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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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OPTIS WIRELESS TECHNOLOGY,) (CIVIL ACTION NO.
LLC, OPTIS CELLULAR) (2:19-CV-66-JRG
TECHNOLOGY, LLC, PANOPTIS) (
PATENT MANAGEMENT, LLC,) (
UNWIRED PLANET, LLC, UNWIRED) (
PLANET INTERNATIONAL LIMITED,) (
PLAINTIFFS,) (
VS.) (
MARSHALL, TEXAS
AUGUST 5, 2020
8:44 A.M.
APPLE INC.,) (
DEFENDANTS.) (
MARSHALL, TEXAS
AUGUST 5, 2020
8:44 A.M.

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TRANSCRIPT OF JURY TRIAL

12

MORNING SESSION

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BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP

14

UNITED STATES CHIEF DISTRICT JUDGE

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(Proceedings recorded by mechanical stenography, transcript
produced on a CAT system.)

08:44:03 1 P R O C E E D I N G S

08:44:03 2 (Jury out.)

08:44:04 3 COURT SECURITY OFFICER: All rise.

08:44:05 4 THE COURT: Be seated, please.

08:44:06 5 Are the parties prepared to read into the record
08:44:13 6 those items from the list of pre-admitted exhibits which
08:44:17 7 were used during yesterday's portion of the trial?

08:44:19 8 MS. SCHUETZ: Yes, Your Honor.

08:44:20 9 THE COURT: Please proceed.

08:44:21 10 MS. SCHUETZ: Good morning, Your Honor. Kelsey
08:44:29 11 Schuetz for Plaintiffs.

08:44:30 12 Yesterday, Plaintiffs used the following
08:44:34 13 Plaintiffs' exhibit numbers: PX-4, 5, 20, 69, 71, 90, 92,
08:44:46 14 125, 128, 136, 601, 1002, 1612, 1760, 1997, 2000, 2002,
08:45:05 15 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2013, 2014, 2064,
08:45:23 16 2105, 2134, 2329, 2332, 2333, 2334, 2335, 2336, 2337, 2338,
08:45:48 17 2339, 2341, 2343, 2348, 2349, 2355, 2358, 2855, and
08:46:09 18 Defendant's Trial Exhibit 0524.

08:46:11 19 THE COURT: All right. Any objections to that
08:46:12 20 offer from the Plaintiff from Defendant?

08:46:15 21 MR. MUELLER: Your Honor, obviously, I haven't had
08:46:17 22 a chance to check all those in light of the chambers
08:46:22 23 conference we just had, but I will take counsel's
08:46:22 24 representation that they have all been used in slides shown
08:46:27 25 to the jury in a substantive fashion.

08:46:27 1 THE COURT: Do Defendants have a similar rendition
08:46:30 2 to offer for the record?

08:46:32 3 MR. POLLINGER: Your Honor, we may have some more.

08:46:34 4 MS. SCHUETZ: Your Honor, we have an additional
08:46:36 5 list of exhibits that were used with Madisetti yesterday.

08:46:38 6 THE COURT: All right. Let's hear that addition
08:46:41 7 to Plaintiffs' rendition, and then we'll see if Defendant
08:46:44 8 have anything to add. Go ahead.

08:46:45 9 MS. SCHUETZ: Okay. They were Plaintiffs' Exhibit
08:46:48 10 2, 6, 84, 86, 90, 91, 119, 120, 124, 126, 128, 138, 982,
08:47:06 11 1002, 1695, 1760, 2142, 2214, 2308, and 2735.

08:47:20 12 THE COURT: All right. I'll ask again, does
08:47:22 13 Defendant have any objection to what's been offered by
08:47:25 14 Plaintiff?

08:47:25 15 MR. MUELLER: And, again, Your Honor, same
08:47:26 16 position. We have not had a chance to check all these
08:47:29 17 slides to confirm that they were substantively used on
08:47:32 18 slides shown to the jury even if not listed by name and
08:47:35 19 testimony, per Your Honor's guidance.

08:47:37 20 At this point, I will take counsel's
08:47:40 21 representation that they were. And we, Your Honor, for our
08:47:42 22 part do not have any list of exhibits for today.

08:47:45 23 THE COURT: All right. Well, I made it quite
08:47:48 24 clear yesterday at the time we recessed that the parties
08:47:51 25 were to meet and confer overnight and be satisfied as to

08:47:53 1 what was going to be offered this morning.

08:47:56 2 So I will find that those offered into the record
08:48:00 3 were used by Plaintiff and are admitted exhibits for
08:48:03 4 purposes of this trial.

08:48:05 5 MS. SCHUETZ: Yes, Your Honor.

08:48:06 6 THE COURT: And I'll expect the parties to fully
08:48:09 7 meet and confer so that there is not: I'll take your
08:48:12 8 representation because I haven't had time to look at it.

08:48:14 9 That's -- that's not in compliance with the
08:48:16 10 instructions I gave last evening. And so I'm going to
08:48:20 11 consider, to the extent there is an objection, it's been
08:48:23 12 waived.

08:48:23 13 Those are admitted exhibits.

08:48:25 14 MS. SCHUETZ: Yes, Your Honor.

08:48:26 15 THE COURT: All right. Thank you, counsel.

08:48:27 16 MR. SHEASBY: One quick issue, Your Honor. I know
08:48:29 17 that they're going to be able to examine Mr. Madisetti and
08:48:34 18 the fact that Dae Won Lee is not coming to trial. I accept
08:48:38 19 the consequences of that. Dae Won Lee's testimony was
08:48:40 20 produced in this case on the subject of his patent --

08:48:43 21 THE COURT: Speak up, Mr. Sheasby, or go to the
08:48:46 22 podium.

08:48:47 23 MR. SHEASBY: I understand they're going to be
08:48:48 24 able to inquire that Dae Won Lee is not coming to trial,
08:48:52 25 with Mr. Madisetti. I accept Your Honor's ruling on that.

08:48:55 1 I want to make sure that it is not going to incur -- we
08:48:57 2 won't be violating anything if Professor Madisetti notes
08:49:01 3 that Dae Won Lee's testimony about his patent was produced
08:49:04 4 in this case and that he reviewed it.

08:49:06 5 THE COURT: Mr. Madisetti is going to testify
08:49:09 6 within the four corners of his report, and as long as he
08:49:12 7 testifies within the four corners of his report, he's on
08:49:16 8 safe ground.

08:49:16 9 MR. SHEASBY: It is in his report.

08:49:17 10 THE COURT: If he goes outside those four corners,
08:49:20 11 he has no ground whatsoever.

08:49:22 12 MR. SHEASBY: I understand your instruction,
08:49:24 13 Your Honor. Thank you for your patience.

08:49:25 14 MR. SUMMERSGILL: And, Your Honor, I would just
08:49:27 15 note that Mr. Lee's deposition from a different case was
08:49:33 16 not in Mr. Madisetti's report -- Dr. Madisetti's report, to
08:49:34 17 my knowledge.

08:49:35 18 THE COURT: Well, Mr. Madisetti's report is going
08:49:37 19 to be whatever it is, and he, like any other expert witness
08:49:40 20 in this case, is going to be confined to the -- the
08:49:46 21 boundaries of that expert report.

08:49:47 22 MR. POLLINGER: And, Your Honor, and
08:49:50 23 Mr. Summersgill, I suggest you look at Paragraph 169 of his
08:49:56 24 report, because I believe it is cited there. It's his
08:49:58 25 opening report. His opening report.

08:50:02 1 THE COURT: All right. Is there anything else we
08:50:04 2 need to take up before we return Mr. Madisetti --
08:50:09 3 Dr. Madisetti, I'm sorry, to the witness stand and continue
08:50:11 4 with his direct examination?

08:50:13 5 MR. POLLINGER: Other than having Professor
08:50:16 6 Madisetti take the stand, we may want to seal the court
08:50:20 7 again before we bring in the jury because the testimony
08:50:24 8 will be under seal, Your Honor.

08:50:26 9 THE COURT: All right. Mr. Pollinger, you may go
08:50:28 10 to the podium and prepare.

08:50:32 11 Let me ask you this, sir: Do you prefer doctor,
08:50:33 12 do you prefer professor, what do you prefer?

08:50:35 13 THE WITNESS: Either is fine, Your Honor. Doctor
08:50:37 14 is fine.

08:50:38 15 THE COURT: If you'd please return to the witness
08:50:40 16 stand. And I'll remind you on the record, Dr. Madisetti,
08:50:45 17 you remain under oath just as you were yesterday.

08:50:49 18 THE WITNESS: Yes, Your Honor.

08:50:50 19 THE COURT: Okay. Let's bring in the jury,
08:50:52 20 please.

08:50:52 21 COURT SECURITY OFFICER: All rise.

08:50:54 22 (Jury in.)

08:51:17 23 THE COURT: Good morning, ladies and gentlemen of
08:51:18 24 the jury. I hope you had a good evening. Please have a
08:51:21 25 seat, please.

08:51:22 1 When we recessed yesterday, the Plaintiff, through
08:51:26 2 counsel, Mr. Pollinger, was engaged in a direct examination
08:51:32 3 of Professor Vijay Madisetti. We stopped in the middle of
08:51:36 4 that direct examination, and we'll continue there this
08:51:39 5 morning.

08:51:40 6 Mr. Pollinger, you may continue with your direct
08:51:43 7 examination of the witness.

08:51:44 8 MR. POLLINGER: Thank you, Your Honor.

08:51:44 9 (Transcript sealed.)

08:51:44 10 (This portion of the transcript is sealed

08:51:44 11 and filed under separate cover as

09:50:47 12 Sealed Portion No. 5.)

09:50:47 13 (Courtroom unsealed.)

09:51:14 14 THE COURT: Mr. Sheasby, is there a reason you're
09:51:25 15 not at your proper place at the bar?

09:51:27 16 MR. SHEASBY: Your Honor --

09:51:29 17 THE COURT: Do you need to meet with your IT
09:51:31 18 person?

09:51:31 19 MR. SHEASBY: Your Honor, for the assistance of
09:51:33 20 the cross-examination, I -- I have given up my seat to
09:51:37 21 Mr. Pollinger.

09:51:37 22 THE COURT: Then please find a seat somewhere
09:51:39 23 else.

09:51:51 24 All right. You may proceed, counsel.

09:51:53 25 MR. SUMMERSGILL: Thank you, Your Honor.

CROSS-EXAMINATION

09:51:53 1

09:51:53 2 BY MR. SUMMERSGILL:

09:51:55 3 Q. Good morning, Professor Madisetti.

09:51:56 4 A. Good morning, sir.

09:51:57 5 Q. My name is Michael Summersgill. We've met a few times
09:52:01 6 before, including at your deposition. Is it okay if I ask
09:52:04 7 you a few questions today?

09:52:05 8 A. Sure.

09:52:06 9 Q. Now, you're appearing today as an expert witness,
09:52:09 10 correct?

09:52:10 11 A. Yes, as an independent expert witness.

09:52:12 12 Q. And you're charging the Plaintiffs for your time today,
09:52:16 13 correct?

09:52:16 14 A. Yes.

09:52:16 15 Q. You're charging the Plaintiffs for your time working on
09:52:19 16 this case, correct?

09:52:20 17 A. Yes.

09:52:21 18 Q. And you're charging the Plaintiffs \$500.00 an hour,
09:52:25 19 right?

09:52:25 20 A. Yes.

09:52:26 21 Q. And as of your deposition, I believe, two months ago,
09:52:30 22 you had billed between three and 400 hours to this case,
09:52:36 23 correct?

09:52:36 24 A. I don't remember the exact numbers, but that sounds
09:52:39 25 right.

09:52:39 1 Q. And since your deposition, you've certainly spent more
09:52:42 2 time working on the case, right?

09:52:44 3 A. Yes. The last couple of months, yes.

09:52:46 4 Q. And including to prepare for your testimony today,
09:52:50 5 right?

09:52:50 6 A. Yes.

09:52:51 7 Q. And so is it fair to say that you've billed the
09:52:54 8 Plaintiffs hundreds of thousands of dollars for your work
09:52:57 9 on this case?

09:52:58 10 A. Yes.

09:52:59 11 Q. More than \$400,000.00?

09:53:02 12 A. I -- I don't think so, but something -- again,
09:53:10 13 recalculate, probably 600 hours times \$500.00.

09:53:15 14 Q. So something in the vicinity of \$400,000.00; is that
09:53:22 15 fair?

09:53:22 16 A. Between -- yeah, 300 and 400, maybe less -- a little
09:53:24 17 less, yes.

09:53:24 18 Q. Now, this isn't your first time working as an expert
09:53:29 19 witness in a patent litigation, right?

09:53:32 20 A. No, it's not.

09:53:33 21 Q. And, in fact, you've worked as an expert in patent
09:53:36 22 litigation cases over 50 times, right?

09:53:38 23 A. This is over the last 15, 20 years.

09:53:40 24 Q. But you've worked as an expert litigation witness over
09:53:44 25 50 times, right?

09:53:44 1 A. Yes, over the last 10, 15 years.

09:53:47 2 Q. And you've had your deposition taken 75 to 80 times,
09:53:52 3 correct?

09:53:52 4 A. Yes. Again, that's -- that's a rough number, yes.

09:53:58 5 Q. You've testified at trial roughly 30 times before,
09:54:02 6 correct?

09:54:02 7 A. Yes. I mean, again, it's a rough number.

09:54:05 8 Q. And over the course of your career, you've made between
09:54:09 9 two and \$3 million working as a litigation expert witness,
09:54:15 10 correct?

09:54:15 11 A. Yes. Over the past 10, 15 years, if you multiply the
09:54:21 12 amount per year over those years.

09:54:23 13 Q. And during that time -- over that period of time, at
09:54:26 14 least 30 to 40 percent of your income came from serving as
09:54:32 15 a litigation expert witness, correct?

09:54:33 16 A. Some years, yes. Some years -- some years, less. Some
09:54:42 17 years, around that.

09:54:43 18 Q. Now, in this case, you're offering testimony on behalf
09:54:47 19 of the five Plaintiffs, correct?

09:54:49 20 A. Yes.

09:54:49 21 Q. And that's who retained you in this case, correct?

09:54:54 22 A. Yes.

09:54:54 23 Q. But at your deposition just two months ago, you told us
09:55:02 24 you couldn't -- you couldn't recall the specifics of who
09:55:05 25 retained you, correct?

09:55:06 1 A. I was mentioning PanOptis, but you had asked me about
09:55:09 2 all the Defendants' names. I did not remember the legal
09:55:11 3 names.

09:55:12 4 Q. You were unable to identify the five Plaintiffs in this
09:55:16 5 case, right?

09:55:17 6 A. By -- by the legal names, yes. I could not identify by
09:55:24 7 the legal names. I mentioned PanOptis.

09:55:26 8 Q. Well, and what you told us was that you deferred to the
09:55:29 9 Plaintiffs' legal side about who you were providing
09:55:32 10 testimony for, right?

09:55:34 11 A. Yes. I said I couldn't remember the legal names.

09:55:41 12 Q. Right. So you couldn't remember the -- who the
09:55:45 13 Plaintiffs were, and you were deferring to the Plaintiffs'
09:55:47 14 lawyers as to who you were providing testimony for, right?

09:55:49 15 A. Yes. I was saying I was working for PanOptis.

09:55:53 16 Q. Now, you do know who the Defendant is in this case,
09:55:56 17 Apple, correct?

09:55:57 18 A. Yes.

09:55:59 19 Q. And Mr. Pollinger didn't ask you questions about your
09:56:03 20 work against Apple in the past, did he?

09:56:05 21 A. I'm not against Apple. I provide independent technical
09:56:10 22 opinions.

09:56:11 23 Q. Well, is it okay if I ask you a few questions about
09:56:14 24 your prior testimony opposed to Apple?

09:56:17 25 A. Sure.

09:56:17 1 Q. So this isn't the first time that you've testified on
09:56:20 2 the opposite side of a patent litigation from Apple, right?
09:56:24 3 A. That's right.
09:56:25 4 Q. And you've testified opposite Apple at least nine
09:56:30 5 times, fair?
09:56:31 6 A. I don't recall the exact number, but a few times.
09:56:36 7 Q. Rough -- roughly nine times, Dr. Madisetti?
09:56:41 8 A. I don't recall the exact number, but it could be. Over
09:56:43 9 the last 10, 12 years, I can remember three or four
09:56:48 10 different matters.
09:56:48 11 Q. And you'd agree there's nothing wrong with that, right?
09:56:51 12 A. As I said, I'm not against Apple or any party. I just
09:56:55 13 do my technical work.
09:56:57 14 Q. Well, Dr. Madisetti, you've been paid more than
09:57:00 15 \$1 million in cases where you were testifying opposite to
09:57:05 16 Apple, right?
09:57:06 17 A. Again, I don't recall the specific numbers, but this is
09:57:09 18 over the last 10 years, so I -- I would guess that it would
09:57:12 19 be somewhere around there.
09:57:13 20 Q. Well, let me -- let me see if I can refresh your
09:57:16 21 recollection. If you could look at Tab 1 in your binder,
09:57:21 22 please. And that's your deposition, sir. And if you could
09:57:25 23 look at Page 20, Lines 9 to 14, please.
09:57:31 24 A. Page 20?
09:57:32 25 Q. Yes. Lines 9 to 14, Dr. Madisetti.

09:57:58 1 A. Yes.

09:57:59 2 Q. And does that refresh your recollection, sir, that in
09:58:03 3 the cases where you've testified on behalf of a party
09:58:05 4 opposed to Apple, you've been paid close to a million
09:58:10 5 dollars, correct?

09:58:11 6 A. Yes, I -- I mentioned that. Again, it's -- it's an
09:58:14 7 estimate, yes.

09:58:14 8 Q. Now, you're testifying opposed to Apple again in this
09:58:17 9 case, right?

09:58:18 10 A. As I said, I mean, I -- I -- I would say I was an
09:58:22 11 independent expert, but Apple is on the other side.

09:58:27 12 Q. Well -- and you'd like the jury to believe that Apple
09:58:30 13 infringes the three patents that you just testified about,
09:58:33 14 right?

09:58:33 15 A. Yes. I provided the basis of my opinion, as well.

09:58:35 16 Q. The '332 patent, the '833 patent, and the '557 patent,
09:58:41 17 correct?

09:58:41 18 A. Yes.

09:58:41 19 Q. Now, Dr. Madisetti, there are multiple inventors listed
09:58:46 20 on the front page of each of the three patents you
09:58:50 21 testified about, correct?

09:58:51 22 A. Yes.

09:58:52 23 Q. The '557 patent lists multiple inventors, right?

09:58:56 24 A. Yes.

09:58:57 25 Q. The '332 patent lists multiple inventors, correct?

09:59:04 1 A. Yes.

09:59:04 2 Q. And the '833 patent also lists multiple inventors,
09:59:08 3 right?

09:59:08 4 A. Yes.

09:59:09 5 Q. And in total -- I counted them up -- there are 15 named
09:59:14 6 inventors on the three patents that you analyzed, correct?

09:59:17 7 A. I will -- I have not counted the exact number, but I
09:59:24 8 wouldn't be surprised.

09:59:24 9 Q. Does that sound about right?

09:59:26 10 A. Yes.

09:59:26 11 Q. Now, sir, who would know more about the ideas that the
09:59:31 12 inventors came up with, you or the named inventors?

09:59:35 13 A. I'm -- I'm not sure as to your question.

09:59:41 14 Q. Well, is it fair to expect that the named inventors
09:59:47 15 would be the ones who are most knowledgeable about what
09:59:50 16 they actually invented?

09:59:51 17 A. I disagree. I think the patent is complete. It
09:59:56 18 provides full details as to what the invention is about.

10:00:00 19 Q. Okay. So you know more about the patents and the
10:00:04 20 circumstances of their origination than even the inventors
10:00:08 21 do; is that your testimony?

10:00:09 22 A. That's not my testimony. My -- my testimony is that,
10:00:12 23 based on a review of the patents and the file history, I
10:00:15 24 would know as much as anyone else with respect to the
10:00:18 25 patents and what the claims cover --

10:00:20 1 Q. Okay.

10:00:20 2 A. -- in light of the Court's construction.

10:00:24 3 Q. Now, you told the jury you conducted an extensive
10:00:27 4 investigation for this case, right?

10:00:30 5 A. Yes. I looked at different types of evidence, I looked
10:00:34 6 at deposition testimony, source code, standards, and other
10:00:39 7 such evidence.

10:00:39 8 Q. You told the jury that you spent hundreds of hours
10:00:44 9 performing your analysis for this case, correct?

10:00:46 10 A. Yes. About 200 hours per patent, yes.

10:00:51 11 Q. And prior to reaching your conclusions and submitting
10:00:54 12 your reports in this case, you didn't speak with any of the
10:01:00 13 named inventors, correct?

10:01:01 14 A. I did not personally speak to them. I reviewed their
10:01:05 15 deposition testimony.

10:01:05 16 Q. Sir, the deposition you're referring to is from a
10:01:12 17 different case, correct?

10:01:14 18 A. Yes.

10:01:14 19 Q. You didn't speak to a single inventor on the three
10:01:17 20 patents in this case, correct?

10:01:19 21 A. Yes. I did not need to. I reviewed the patents.

10:01:22 22 Q. So, in forming your opinions, you never spoke with a
10:01:26 23 single named inventor on the '332 patent, right?

10:01:30 24 A. I did not.

10:01:30 25 Q. You didn't speak to a single named inventor on the '833

10:01:37 1 patent?

10:01:37 2 A. I did not.

10:01:38 3 Q. And you didn't speak to a single named inventor on the
10:01:42 4 '557 patent, right?

10:01:42 5 A. I did not.

10:01:43 6 Q. Now --

10:01:45 7 THE COURT: Dr. Madisetti, pull the microphone
10:01:46 8 down just a little bit.

10:01:48 9 THE WITNESS: Sorry -- sorry, Your Honor.

10:01:49 10 THE COURT: Thank you. That helps.

10:01:50 11 Continue, please.

10:01:56 12 Q. (By Mr. Summersgill) So, Dr. Madisetti, you never
10:02:00 13 personally spoke to the inventors about the work they were
10:02:02 14 doing that led to any of these patents, right?

10:02:03 15 A. I did not. As I said, I did not need to.

10:02:06 16 Q. And you never asked the inventors how they came up with
10:02:08 17 their ideas that resulted in the patents, correct?

10:02:11 18 A. I did not speak to them.

10:02:13 19 Q. And you never asked the inventors about the
10:02:16 20 significance of these three patents, right?

10:02:19 21 A. I did not. I reviewed the papers and patents.

10:02:23 22 Q. Now, as part of your work on this case, you have spoken
10:02:27 23 with Optis's lawyers, correct?

10:02:32 24 A. Yes.

10:02:33 25 Q. The gentlemen sitting at this table right here,

10:02:37 1 correct?

10:02:37 2 A. Yes.

10:02:37 3 Q. And you spent many hours speaking with Optis's lawyers,

10:02:41 4 correct?

10:02:41 5 A. Yes.

10:02:43 6 Q. So we can both agree that you've spent more time

10:02:47 7 speaking to Optis's lawyers than with the inventors of the

10:02:52 8 patents in this case?

10:02:53 9 A. Yes. But I said, I reviewed the documents at issue,

10:02:57 10 including the patents and the proposals and was fully

10:03:00 11 informed.

10:03:00 12 Q. Right. But you didn't speak to the inventors?

10:03:03 13 A. I agree.

10:03:03 14 Q. Now, we can agree that the baseband computer chips that

10:03:08 15 are in the Apple products allow the devices to communicate

10:03:11 16 over cellular networks, right?

10:03:14 17 A. The baseband chips are part of the equation. You

10:03:20 18 require the RF, you require the other stages, as well.

10:03:23 19 Q. And if you were to pull those baseband chips out of the

10:03:26 20 products, they wouldn't work, right?

10:03:29 21 A. Yes.

10:03:29 22 Q. And if you pulled those baseband chips out of the

10:03:32 23 products, you wouldn't have an infringement theory,

10:03:36 24 correct?

10:03:36 25 A. The baseband is part of the infringement, so if you

10:03:38 1 pull a part of it out, you wouldn't.

10:03:43 2 Q. Now, historically, Apple has purchased its baseband
10:03:46 3 chips from Intel and Qualcomm, correct?

10:03:49 4 A. Yes, the two suppliers, Intel and Qualcomm.

10:03:52 5 Q. And Intel is a company that specializes in making
10:03:59 6 computer chips, right?

10:04:03 7 A. Yes.

10:04:04 8 Q. Qualcomm is a company that specializes in making
10:04:07 9 computer chips, right?

10:04:08 10 A. Yes, sir.

10:04:08 11 Q. And you'd agree that both of those companies have very
10:04:17 12 significant expertise designing computer chips, right?

10:04:19 13 A. Again, it's a very general question, but I would
10:04:22 14 generally agree.

10:04:22 15 Q. Now, to be sure how the functionalities in the Apple
10:04:26 16 products work that you've accused of infringement, you need
10:04:30 17 to be able to look at those baseband chips in the Apple
10:04:33 18 products, right?

10:04:35 19 A. You have to look at the baseband and also the other --
10:04:39 20 other chips, not just the baseband.

10:04:40 21 Q. And you'd need to look at the source code of the
10:04:45 22 baseband chips, correct?

10:04:46 23 A. Yes, the source code and the associated product
10:04:50 24 descriptions, so I did that.

10:04:53 25 Q. All right. Well, let's turn to the specific analysis

10:04:55 1 you did in this case, Dr. Madisetti.

10:04:58 2 Please turn to PX-4, which is Tab 19 in your
10:05:06 3 binder. This is the '557 patent, correct?

10:05:12 4 A. Which volume is it, sir?

10:05:18 5 Q. It is Tab 19. I believe it's in the first volume,
10:05:21 6 Dr. Madisetti. I'm sorry, it's in the second volume.

10:05:26 7 A. Yes.

10:05:27 8 Q. My apologies. And just let me know when you have that,
10:05:36 9 sir.

10:05:36 10 A. Yes, I'm on Tab 19.

10:05:53 11 Q. So this is the '557 patent that you analyzed in this
10:05:56 12 case, right?

10:05:57 13 A. Yes.

10:05:57 14 Q. And the '557 patent relates to the process of sending
10:06:00 15 messages over a random access channel called the RACH
10:06:10 16 channel, right?

10:06:10 17 A. Yes, sir, at a -- at a high level.

10:06:13 18 Q. And mobile devices use this random access channel to
10:06:18 19 make an initial connection with a base station, right?

10:06:20 20 A. Yes.

10:06:20 21 Q. And the '557 patent, among other things, relates to the
10:06:23 22 use of something called sequences -- and you referred to
10:06:27 23 them as signatures in your direct testimony -- to make that
10:06:31 24 initial connection, correct?

10:06:33 25 A. Yes.

10:06:34 1 Q. Now, in your testimony, you discussed Claims 1 and 10
10:06:38 2 of the '557 patent, correct?

10:06:39 3 A. Yes.

10:06:43 4 MR. SUMMERSEGILL: And could we please pull up
10:06:46 5 Claim 1?

10:06:48 6 Q. (By Mr. Summersgill) Now, Claim 1 starts by saying, a
10:06:51 7 mobile station apparatus comprising. Do you see that?

10:06:56 8 A. I do.

10:06:57 9 Q. And then there are a series of limitations that follow
10:06:59 10 in the claim, right?

10:07:00 11 A. Yes, different parts.

10:07:02 12 Q. And even you would agree that certain elements of the
10:07:06 13 claims were known before the '557 patent, right?

10:07:09 14 A. I think we discussed this in my deposition. I said,
10:07:13 15 not in the claimed manner.

10:07:15 16 Q. Well, Claim 1 requires a mobile station, correct?

10:07:19 17 A. Yes.

10:07:20 18 Q. An example of a mobile station is a cell phone,
10:07:26 19 correct?

10:07:26 20 A. Yes. Outside the context of the claim.

10:07:28 21 Q. And cell phones existed before the '557 patent, right?

10:07:33 22 A. Yes, but not in the manner claimed. That's what we
10:07:36 23 said.

10:07:36 24 Q. Base stations existed before the '557 patent, right?

10:07:40 25 A. Yes.

10:07:40 1 Q. Before the '557 patent, it was known that mobile phones
10:07:47 2 could initiate access with a base station, correct?

10:07:50 3 A. Yes. Outside the context of the claims.

10:07:54 4 Q. And, for example, the 3G standard, which is the
10:07:58 5 standard that preceded LTE and the '557 patent, that
10:08:03 6 included a way for mobile phones to initiate access with
10:08:08 7 base stations, right?

10:08:09 8 A. Yes, in a different way.

10:08:10 9 Q. And the 3G standard used sequences to initiate access
10:08:16 10 with base stations, correct?

10:08:18 11 A. Yes, in a different way.

10:08:20 12 Q. And before the '557 patent, the idea of generating
10:08:26 13 sequences for use in initiating access with a base station
10:08:30 14 was also known, right?

10:08:33 15 A. Yes, but I -- as I said, in a different way.

10:08:36 16 Q. Now -- so we can agree that the '557 patent requires
10:08:43 17 performing this RACH procedure in a very specific way,
10:08:48 18 right?

10:08:48 19 A. I would defer to the claims, Claims 1 and Claims 10.

10:08:54 20 Q. Well, sir, you don't disagree that the '557 patent
10:08:59 21 describes a specific way of how mobile devices perform this
10:09:06 22 RACH procedure, do you?

10:09:07 23 A. At a very high level, yes, but I will defer to the
10:09:13 24 claims as to the detail.

10:09:14 25 Q. Now, it's your opinion that Apple has infringed Claims

10:09:17 1 1 and 10, correct?

10:09:18 2 A. Yes. I provided the support in my presentation.

10:09:21 3 Q. And to be clear, Apple doesn't have the burden of
10:09:26 4 proving that it does not infringe, right?

10:09:29 5 A. I don't -- I'm -- I'm not offering a legal opinion.

10:09:33 6 All I've done is shown the infringement.

10:09:35 7 Q. But you understand, sir, do you not, that the
10:09:38 8 Plaintiffs have the burden of proving infringement,
10:09:43 9 correct?

10:09:43 10 A. At a high level, yes.

10:09:45 11 Q. And that means that the Plaintiffs must prove that
10:09:48 12 everything in the asserted claims is found within the Apple
10:09:55 13 products, right?

10:09:56 14 A. Yes, that's what I've done.

10:09:57 15 Q. And if even one limitation is missing from Apple's
10:10:00 16 products, the jury must find no infringement, correct?

10:10:07 17 A. Yes.

10:10:07 18 Q. And Apple says that the Qualcomm and Intel baseband
10:10:11 19 chips that are in the Apple products don't meet at least
10:10:15 20 this selecting unit limitation -- that's the second
10:10:19 21 limitation on our screen -- right?

10:10:21 22 A. Yes. You are to be a little more specific, but -- but
10:10:29 23 at a high level, yes.

10:10:31 24 Q. Now, I'm not going to read all of them because it will
10:10:38 25 take too long, but my count, the selecting unit limitation

10:10:42 1 contains about 93 words. Is that about right?

10:10:47 2 A. Again, I -- I will take your representation on that.

10:10:50 3 Q. Well, we can agree that the Plaintiffs have to show

10:10:53 4 that everything in that limitation is found within the

10:10:57 5 Apple products, right?

10:10:57 6 A. Yes, I've shown that.

10:10:59 7 Q. Now, the selecting unit requirement of Claim 1

10:11:05 8 requires, among other things, that a mobile device, quote,

10:11:10 9 randomly select a sequence from a plurality of sequences

10:11:17 10 contained in one group of a plurality of groups into which

10:11:22 11 a pre-determined number of sequences that are generated

10:11:26 12 from a plurality of base sequences. Do you see that?

10:11:30 13 A. That's a portion of the limitation. So the entire

10:11:33 14 limitation must be present.

10:11:34 15 Q. Right. And -- but I -- did I read that portion of the

10:11:38 16 limitation correctly, Dr. Madisetti?

10:11:40 17 A. Yes.

10:11:41 18 Q. And so the claim includes the language, quote,

10:11:45 19 sequences that are generated, correct?

10:11:50 20 A. It includes the entire limitation. So it doesn't

10:11:54 21 require that the sequences are generated.

10:11:57 22 Q. Sir, the claim includes the languages sequences --

10:12:02 23 sequences that are generated, right?

10:12:04 24 A. I disagree. I would say that the phrase includes more

10:12:07 25 than that.

10:12:09 1 Q. Okay. But we can both agree, sir, that the words,
10:12:14 2 sequences that are generated from a plurality of base
10:12:18 3 sequences, are in the claim, right?

10:12:19 4 A. The English words are present, but the claim does not
10:12:24 5 require that the sequences have to be pregenerated.

10:12:30 6 Q. Okay. So it's your testimony, sir, that the claim says
10:12:33 7 that sequences that are generated from a plurality of base
10:12:38 8 sequences is in the claims, but that limitation isn't
10:12:41 9 required? Is that your testimony?

10:12:43 10 A. No, sir, that's not.

10:12:44 11 Q. Okay. So we can agree that the claim requires, quote,
10:12:49 12 sequences that are generated from a plurality of base
10:12:55 13 sequences, right?

10:12:56 14 A. Again, as I said, I disagree. The entire claim
10:13:00 15 limitation has to be met. All I said was the English
10:13:03 16 language, sequences that are generated, is present in the
10:13:07 17 limitation.

10:13:07 18 Q. Okay. So the English language that I just read is in
10:13:11 19 the claim, right?

10:13:11 20 A. Yes, it is.

10:13:12 21 Q. And Claim 10 also includes that same English language,
10:13:15 22 correct?

10:13:15 23 A. Yes.

10:13:16 24 Q. Now, for your infringement analysis, you concluded that
10:13:22 25 that generation -- that the generation functionality in

10:13:25 1 Apple's baseband chips was irrelevant, didn't you?

10:13:28 2 A. I said that the embodiments covered both generation and
10:13:35 3 generation from sequences.

10:13:40 4 MR. SUMMERSGILL: Your Honor, move to strike as
10:13:42 5 non-responsive.

10:13:53 6 THE COURT: I'll sustain the objection.

10:13:58 7 Q. (By Mr. Summersgill) Dr. Madisetti --

10:13:59 8 THE COURT: The question was, Dr. Madisetti, did
10:14:01 9 you find that the baseband chips were irrelevant. And your
10:14:09 10 response did not address that question. So I'm going to
10:14:13 11 sustain the objection.

10:14:14 12 Either ask the question again or move on,
10:14:17 13 Mr. Summersgill.

10:14:18 14 MR. SUMMERSGILL: Thank you, Your Honor.

10:14:19 15 Q. (By Mr. Summersgill) Dr. Madisetti, for your
10:14:22 16 infringement analysis, you concluded that the generation
10:14:26 17 functionality in Apple's baseband chips was irrelevant,
10:14:30 18 correct?

10:14:30 19 A. I disagree.

10:14:31 20 Q. Well, you know who Nigel Jones is, correct?

10:14:41 21 A. Yes. He did some of the source code review.

10:14:44 22 Q. He's one of the Plaintiffs' experts in this case,
10:14:46 23 right?

10:14:46 24 A. Yes.

10:14:47 25 Q. And he submitted a source code expert report in this

10:14:51 1 case?

10:14:54 2 A. Yes.

10:14:54 3 Q. Source code is one of the pieces of evidence that would
10:14:58 4 tell you how the baseband chips in the Apple products work,
10:15:04 5 right?

10:15:04 6 A. Yes.

10:15:04 7 Q. It's a set of instructions -- source code is a set of
10:15:07 8 instructions that tells the baseband chip what to do,
10:15:12 9 right?

10:15:12 10 A. Yes.

10:15:13 11 Q. And you asked Mr. Jones to analyze portions of the
10:15:18 12 source code in the Apple products, right?

10:15:20 13 A. I also analyzed it myself.

10:15:23 14 MR. SUMMERSE GILL: Move to strike as
10:15:25 15 non-responsive.

10:15:28 16 THE COURT: I'll sustain that.

10:15:37 17 Dr. Madisetti, the question was: You asked
10:15:40 18 Mr. Jones to analyze the portion.

10:15:42 19 Your answer was: I also analyzed it myself.

10:15:45 20 I assume that means, yes, you asked Mr. Jones, but
10:15:49 21 then you went further than that. You need to limit your
10:15:52 22 question -- your answers, rather, to the questions that are
10:15:56 23 asked.

10:15:56 24 THE WITNESS: Yes, Your Honor.

10:15:57 25 THE COURT: Mr. Pollinger will get a chance to

10:15:59 1 follow up with additional questions on redirect.

10:16:01 2 THE WITNESS: Yes, Your Honor.

10:16:01 3 THE COURT: Let's proceed.

10:16:05 4 Q. (By Mr. Summersgill) Dr. Madisetti, you asked

10:16:09 5 Mr. Jones to analyze portions of the source code in the

10:16:11 6 Apple products, correct?

10:16:12 7 A. Yes.

10:16:12 8 Q. And you relied on the source code analysis that

10:16:18 9 Dr. Jones -- that Mr. Jones performed, correct?

10:16:21 10 A. Yes.

10:16:21 11 Q. And, in fact, you asked him to analyze the code, quote,

10:16:25 12 under your direction, correct?

10:16:26 13 A. Yes.

10:16:26 14 Q. Now -- and you told Mr. Jones when you asked him to

10:16:31 15 perform that analysis, that it wasn't necessary for him to

10:16:37 16 describe the code that performs sequence generation in the

10:16:42 17 Apple products, right?

10:16:44 18 A. I'm not clear as to your question.

10:16:55 19 Q. Well, you told Mr. Jones, didn't you, that it wasn't

10:17:01 20 necessary for him to describe the source code that performs

10:17:08 21 sequence generation in the Intel and baseband chips,

10:17:17 22 correct?

10:17:17 23 A. I don't recall. I mean, I said -- I asked him for a

10:17:21 24 detailed analysis, so I did not exclude anything.

10:17:24 25 Q. Well, are you aware that Dr. Jones testified that you

10:17:29 1 told him it wasn't necessary to describe the code that
10:17:34 2 provides the sequence generation in the Apple products?

10:17:37 3 MR. POLLINGER: Your Honor, I object to these
10:17:39 4 references to other depositions that Professor Madisetti
10:17:43 5 hasn't had the opportunity to review. He needs to
10:17:47 6 establish a foundation first.

10:17:48 7 THE COURT: Do you have a response,
10:17:53 8 Mr. Summersgill?

10:17:54 9 MR. SUMMERSGILL: Yes, Your Honor. He relied on
10:17:57 10 Dr. Jones's report explicitly in his report. He adopted it
10:18:01 11 into his report. And he's certainly had an opportunity to
10:18:06 12 review the deposition. The deposition was taken weeks, if
10:18:10 13 not a month ago, and he's been preparing for trial. He had
10:18:13 14 plenty of opportunity to review it.

10:18:15 15 THE COURT: Well, I have no problem with his
10:18:20 16 report having adopted the input, but what Dr. Jones may
10:18:26 17 have said in other places, I don't think you've laid a
10:18:29 18 foundation for that.

10:18:30 19 I'll sustain as to that objection.

10:18:33 20 Q. (By Mr. Summersgill) Now, Dr. Madisetti, you're --
10:18:35 21 again, you relied on Dr. -- on Mr. Jones's report, correct?

10:18:38 22 A. Yes.

10:18:38 23 Q. And you know that Mr. Jones did this analysis of the
10:18:44 24 source code, correct?

10:18:44 25 A. Yes.

10:18:46 1 Q. He did it under your direction, correct?

10:18:48 2 A. Yes.

10:18:50 3 Q. You know he was deposed in this case, right?

10:18:53 4 A. Yes.

10:18:54 5 Q. And you certainly had access to his deposition,
10:18:59 6 correct?

10:18:59 7 A. Yes.

10:19:00 8 Q. Did you read his deposition?

10:19:02 9 A. I -- I skimmed through it. I did not read it in
10:19:08 10 detail.

10:19:08 11 Q. Okay. Well, then let me ask you again, based on your
10:19:12 12 skim through it, are you aware that Dr. Jones testified
10:19:15 13 that you told him, quote, it wasn't necessary to --

10:19:19 14 MR. POLLINGER: Objection, Your Honor.

10:19:21 15 Q. (By Mr. Summersgill) -- to describe the code that
10:19:22 16 provides --

10:19:23 17 THE COURT: Let him finish the question.

10:19:24 18 MR. POLLINGER: He's publishing -- I'm sorry.

10:19:27 19 THE COURT: Finish the question, and then I'll
10:19:29 20 hear the objection.

10:19:30 21 Q. (By Mr. Summersgill) Dr. Madisetti, based on your skim
10:19:33 22 of Mr. Jones's deposition, are you aware that he testified
10:19:36 23 that you told him it wasn't necessary to describe the code
10:19:41 24 that provides sequence generation?

10:19:45 25 MR. POLLINGER: Your Honor, I object to this

10:19:46 1 question because Mr. Summersgill is publishing the
10:19:49 2 deposition through his oration prior to giving Professor
10:19:53 3 Madisetti a chance to review it.

10:19:55 4 THE COURT: I'll sustain that.

10:19:57 5 Q. (By Mr. Summersgill) Okay. Dr. Madisetti, why don't
10:20:11 6 you turn to Tab 17, which is the Jones's deposition,
10:20:17 7 Page 136, Lines 15 to 20? And let me know after you've had
10:20:19 8 a chance to review it.

10:20:19 9 A. Which page, sir?

10:20:20 10 Q. Page 136, Lines 15 to 20. And just let me know when
10:20:28 11 you've had a chance to review that, sir.

10:21:16 12 A. Yes, I've reviewed that portion.

10:21:17 13 Q. And does that refresh your recollection that you told
10:21:21 14 Dr. Jones that it wasn't necessary for him to describe the
10:21:25 15 source code that provides the sequence generation
10:21:28 16 functionality in the Intel and Qualcomm chips?

10:21:33 17 A. As I said, I don't recall this. I don't review -- I
10:21:37 18 don't recall reviewing this section, and I won't agree with
10:21:40 19 that.

10:21:40 20 Q. Well, does reviewing it now refresh your recollection
10:21:43 21 as to whether you told Dr. Jones that he didn't need to
10:21:49 22 describe that portion of the source code?

10:21:50 23 A. Again, I don't recall this discussion with Dr. -- with
10:21:54 24 Mr. Jones.

10:21:54 25 Q. Well, isn't it true, sir, that because of what you told

10:22:00 1 Mr. Jones, he didn't analyze the hardware code in Apple --
10:22:06 2 Apple's products that perform the actual sequence
10:22:10 3 generation, right?

10:22:11 4 A. I disagree.

10:22:13 5 Q. Sir, did you read the portion of Mr. Jones's deposition
10:22:19 6 where he talks about what he included in his report?

10:22:22 7 A. Yes, I did. And even after reading it, I wouldn't
10:22:25 8 agree with that, because he's talking about the claims.

10:22:29 9 Q. Well, sir, does reading that deposition now refresh
10:22:33 10 your recollection that his report that you relied on
10:22:39 11 doesn't describe the code that performs the actual sequence
10:22:44 12 generation in the Apple products?

10:22:45 13 A. I disagree that the -- I disagree with that statement.

10:22:50 14 Q. So you disagree with Mr. Jones?

10:22:53 15 A. No. I disagree with your question. I did review the
10:22:57 16 code that does the sequence generation. It is described in
10:23:01 17 my report and Mr. Jones's report.

10:23:04 18 Q. Well, Mr. Jones said that his report does not include
10:23:09 19 the code that performs the actual sequence generation,
10:23:14 20 right?

10:23:14 21 A. Again, I would disagree with that statement. I've seen
10:23:17 22 that code, as well as the statement to his report. I can
10:23:20 23 show that to you in his report.

10:23:22 24 Q. So you disagree with Mr. Jones?

10:23:24 25 A. No.

10:23:30 1 MR. SUMMERSGILL: Well, Your Honor, I'd ask that I
10:23:32 2 now have permission to publish that testimony, because he's
10:23:36 3 directly contradicting something that he relied on in his
10:23:38 4 report.

10:23:39 5 MR. POLLINGER: Objection, Your Honor. I -- I
10:23:40 6 object to the -- to the characterization. This question
10:23:45 7 has now been asked multiple times. I object on the basis
10:23:48 8 of asked and answered.

10:23:51 9 THE COURT: Well, Mr. Summersgill, I don't know
10:23:53 10 how you can impeach this witness with the testimony of
10:23:56 11 another person. That's what it sounds like you're --
10:23:59 12 you're asking me to let you do.

10:24:00 13 MR. SUMMERSGILL: Well, Your Honor, I'm asking you
10:24:02 14 to let me impeach him with the testimony of a source code
10:24:06 15 expert whose report he adopted and whose deposition he's
10:24:11 16 reviewed and now he's disagreeing with.

10:24:17 17 THE COURT: I don't know how you can impeach a
10:24:19 18 witness with anything other than their own prior
10:24:22 19 inconsistent statements.

10:24:22 20 I'm going to overrule that request.

10:24:25 21 MR. SUMMERSGILL: Thank you, Your Honor.

10:24:26 22 THE COURT: Let's move on.

10:24:27 23 Q. (By Mr. Summersgill) Now --

10:24:28 24 THE COURT: As a matter of fact, let's not move
10:24:30 25 on. Let's use this as a good place to take a recess,

10:24:34 1 ladies and gentlemen.

10:24:34 2 I'll ask the members of the jury simply to close
10:24:37 3 their notebooks and leave them in their chairs, follow all
10:24:41 4 the instructions I've given you, including as you would
10:24:46 5 expect me to remind you, not to discuss the case against
10:24:48 6 each other -- excuse me, among each other. And we'll have
10:24:54 7 you back in here shortly to continue.

10:24:57 8 The jury is excused for recess at this time.

10:24:59 9 COURT SECURITY OFFICER: All rise.

10:25:00 10 (Jury out.)

10:25:01 11 THE COURT: The Court stands in recess.

10:41:00 12 (Recess.)

10:41:05 13 COURT SECURITY OFFICER: All rise.

10:41:06 14 THE COURT: Be seated, please.

10:42:46 15 Counsel, let me ask before I bring the jury in, I
10:42:56 16 know we have some remaining witnesses by deposition. Will
10:42:59 17 you be in a position at the time they are called to give us
10:43:03 18 the allocations of time between Plaintiff and Defendant so
10:43:06 19 we can keep that straight?

10:43:07 20 MR. SHEASBY: Yes, we will, Your Honor.

10:43:09 21 THE COURT: Okay.

10:43:10 22 MR. SHEASBY: Your Honor, may I address one issue
10:43:12 23 before you call in the jury briefly?

10:43:14 24 THE COURT: You're on the clock, go ahead.

10:43:15 25 MR. SHEASBY: It relates to the cross-examination

10:43:17 1 issue.

10:43:17 2 Apple's attorneys talked about Mr. Madisetti's
10:43:22 3 last 15 -- 15 years of being an expert witness and talked
10:43:26 4 about the income he's received over the last 15 years,
10:43:29 5 which was beyond what the Court had authorized. Part of
10:43:34 6 Dr. Madisetti's income has been from being retained as an
10:43:38 7 expert by the Wilmer firm and the lawyers who represent
10:43:41 8 Apple.

10:43:42 9 THE COURT: Let me ask you a question,
10:43:43 10 Mr. Sheasby. Why are you arguing this to me? He's not
10:43:47 11 your witness.

10:43:48 12 MR. POLLINGER: Thank you, Your Honor. I'll just
10:43:49 13 continue on from there.

10:43:51 14 But given the questioning on his income that he's
10:43:53 15 received over the years and all the cases he's had, I would
10:43:57 16 submit that they've opened the door for me to ask on
10:44:00 17 redirect, Professor Madisetti, whether he has ever been
10:44:05 18 hired by the Wilmer Hale law firm and received income
10:44:08 19 through that hiring by the Wilmer Hale law firm. They've
10:44:10 20 clearly tried to create a negative impression of his work
10:44:16 21 over the years in all of his cases. In fact, they have
10:44:19 22 hired him --

10:44:21 23 THE COURT: As long as it's generic like that and
10:44:24 24 not how much money did they pay you and all kinds of
10:44:26 25 detail. As long as it's the high level, have -- have the

10:44:30 1 Defendant's law firm in this case ever hired you?

10:44:34 2 MR. POLLINGER: Yes.

10:44:34 3 THE COURT: I think -- I think the door has been
10:44:36 4 opened to that extent, but not more.

10:44:38 5 MR. POLLINGER: Thank you, Your Honor.

10:44:39 6 THE COURT: All right. All right. Are you ready
10:44:40 7 to continue, Mr. Summersgill?

10:44:43 8 MR. SUMMERSGILL: Yes, Your Honor.

10:44:44 9 THE COURT: Let's bring in the jury, please.

10:44:46 10 COURT SECURITY OFFICER: All rise.

10:44:49 11 (Jury in.)

10:45:11 12 THE COURT: Please be seated.

10:45:13 13 We'll continue with the cross-examination of the
10:45:21 14 witness by the Defendant.

10:45:21 15 Mr. Summersgill, you may proceed.

10:45:24 16 MR. SUMMERSGILL: Thank you, Your Honor.

10:45:25 17 Q. (By Mr. Summersgill) Now, Dr. Madisetti, we were
10:45:30 18 discussing the fact that the claims require that
10:45:33 19 sequences -- that sequences are generated from a plurality
10:45:38 20 of base sequences, right?

10:45:42 21 A. As I said, I mean, the claim speaks for itself. I
10:45:46 22 would not summarize the claim in any other way.

10:45:49 23 Q. Now, we can agree that sequence generation is a
10:45:53 24 multi-step process, correct?

10:45:54 25 A. I didn't understand the question.

10:46:01 1 Q. We can agree that sequence generation -- the process of
10:46:04 2 generating a sequence in the Apple products is a multi-step
10:46:08 3 process, correct?

10:46:12 4 A. Again, I'm not sure. Are you referring to a portion of
10:46:16 5 my report?

10:46:17 6 Q. I'm just asking you the question, Dr. Madisetti. You
10:46:21 7 know, sir, do you not, that the process of sequence
10:46:24 8 generation in the Apple products takes multiple steps,
10:46:31 9 right?

10:46:31 10 A. I would disagree. I think that there is a -- once you
10:46:35 11 select the base sequences and the --

10:46:38 12 THE COURT: Dr. Madisetti, you disagree.

10:46:39 13 THE WITNESS: I disagree.

10:46:40 14 THE COURT: That answers the question. You don't
10:46:42 15 need to explain the basis of your disagreement unless he
10:46:45 16 asks you for it.

10:46:46 17 THE WITNESS: Thank you, Your Honor.

10:46:47 18 THE COURT: Let's continue.

10:46:48 19 Q. (By Mr. Summersgill) All right. Well, Dr. Madisetti,
10:46:49 20 please take a look at your deposition, Tab 1, Page 170,
10:46:54 21 Lines 2 to 11, and let me know when you've had a chance to
10:47:00 22 read that.

10:47:03 23 A. So which exhibit -- which --

10:47:05 24 Q. This is Tab 1 --

10:47:08 25 A. Okay.

10:47:09 1 Q. -- which is your deposition -- your June 3rd
10:47:13 2 deposition, Page 170, Lines 2 to 11, and let me know when
10:47:19 3 you've had a chance to read that.
10:47:33 4 A. Sorry, once again, which page?
10:47:34 5 Q. Page 170 --
10:47:37 6 A. 170.
10:47:37 7 Q. -- Lines 2 to 11. Do you see that, sir?
10:47:47 8 A. Yes, I'll agree with that portion.
10:48:23 9 Q. And you were asked the question that you just read, and
10:48:26 10 you -- and you gave that answer, right?
10:48:28 11 A. At a high level, yes. But it's not the same language,
10:48:47 12 but at a high level, yes.
10:48:49 13 MR. SUMMERSGILL: And I'll ask if we can pull up
10:48:52 14 Dr. Madisetti's deposition, Page 170:2 to 11, please.
10:48:56 15 Q. (By Mr. Summersgill) You were asked -- this was your
10:48:58 16 deposition, Dr. Madisetti, correct?
10:48:59 17 A. Yes.
10:49:03 18 Q. The deposition was taken roughly two months ago,
10:49:07 19 correct?
10:49:07 20 A. Yes.
10:49:08 21 Q. On June 3rd of this year, correct?
10:49:11 22 A. Yes.
10:49:12 23 Q. You were under oath, correct?
10:49:14 24 A. Yes.
10:49:14 25 Q. Same oath you took today?

10:49:16 1 A. Yes.

10:49:17 2 Q. And you told the truth at your deposition, right?

10:49:19 3 A. Yes.

10:49:21 4 Q. And you were asked:

10:49:23 5 Question: Dr. Madisetti, that wasn't my question.

10:49:26 6 Have you cited in your expert report the hardware
10:49:29 7 code that shows how sequences are generated in the Apple
10:49:33 8 products? Yes or no?

10:49:34 9 Answer: I don't believe that -- that question has
10:49:40 10 a yes or no answer. Sequence generation is a multi-step
10:49:45 11 process, and I have cited most of the steps. To the extent
10:49:48 12 that Mr. Lanning argues that certain portions are not
10:49:52 13 cited, I reviewed that code, and I believe that they're not
10:49:55 14 relevant to the infringement analysis.

10:49:56 15 You were asked that question, and you gave that
10:50:01 16 answer, correct?

10:50:02 17 A. Yes.

10:50:02 18 Q. So we can agree sequence generation is a multi-step
10:50:07 19 process, correct?

10:50:08 20 A. Yes, in that context.

10:50:10 21 Q. And your report only cited to source code for some --

10:50:15 22 MR. SUMMERSGILL: Can we keep that up, please?

10:50:19 23 Q. (By Mr. Summersgill) -- for some but not all of those
10:50:21 24 steps, correct?

10:50:22 25 A. Yes. And I've reviewed the remaining code, yes.

10:50:25 1 Q. Now, Dr. Madisetti, you're aware, are you not, that
10:50:32 2 Defendant's Exhibits DTX-1931 and 1947 are the hardware
10:50:42 3 source code for sequence generation in the Intel and
10:50:45 4 Qualcomm chips, right?

10:50:46 5 A. I would have to look at those.

10:50:49 6 Q. Okay. Well, you didn't show the jury either of those
10:50:53 7 two exhibits in your two-hour-long direct, correct?

10:50:58 8 A. Well, I don't -- yes, you may be right, but I don't
10:51:04 9 recall what that code was.

10:51:14 10 MR. SUMMERSGILL: Now, if we could put Claim 1
10:51:17 11 back up, please.

10:51:19 12 Q. (By Mr. Summersgill) So Claim 1 of the '557 patent
10:51:24 13 requires a phone to select a sequence from a plurality of
10:51:30 14 sequences, correct?

10:51:30 15 A. Again, I disagree. It requires the whole limitation.

10:51:35 16 Q. Right. It requires the whole limitation, but part of
10:51:39 17 that limitation is to select a sequence from a plurality of
10:51:44 18 sequences, correct?

10:51:45 19 A. Again, as a part of the entire limitation. So I would
10:51:49 20 disagree if you said it was just that portion.

10:51:52 21 Q. Well, I'm not saying it's just that portion,
10:51:55 22 Dr. Madisetti. You understand that, right?

10:51:57 23 A. Well, then I would agree with you that the selecting
10:52:00 24 unit is to be configured as claimed.

10:52:04 25 Q. And part of the claim is that it has to select a

10:52:08 1 sequence from a plurality of sequences, correct?

10:52:11 2 A. Yes, a part of it.

10:52:12 3 Q. Now, you told the jury that this requirement to select
10:52:19 4 a sequence from a plurality of sequences is met in the
10:52:22 5 Apple products by selecting something that you referred to
10:52:25 6 as a sequence index, correct?

10:52:29 7 A. Yes.

10:52:29 8 Q. Now, the claims require selecting a sequence, not just
10:52:38 9 a sequence index, right?

10:52:40 10 A. I disagree.

10:52:41 11 Q. Well -- I apologize. Finish your answer.

10:52:44 12 A. I disagree.

10:52:45 13 Q. The word that the claims use is "sequence," correct?

10:52:49 14 A. Yes. I -- I said that, as described in the
10:52:55 15 embodiments, selecting a sequence is the same as selecting
10:53:00 16 a sequence index in the claims.

10:53:02 17 MR. SUMMERSGILL: Your Honor, move to strike as
10:53:04 18 non-responsive.

10:53:05 19 THE COURT: Sustained.

10:53:06 20 Q. (By Mr. Summersgill) Dr. Madisetti, the word used in
10:53:08 21 the claim is "sequence," correct?

10:53:12 22 A. Yes.

10:53:12 23 Q. And in your own expert report, when you wanted to
10:53:16 24 describe a sequence, you called it a sequence, correct?

10:53:20 25 A. Could you be more specific?

10:53:28 1 Q. Yeah. When you wanted to describe a sequence index in
10:53:32 2 your expert report, you called it a sequence index, right?

10:53:37 3 A. Yes.

10:53:38 4 Q. And when you wanted to describe a sequence in your
10:53:41 5 expert report, you called it a sequence, right?

10:53:45 6 A. Yes.

10:53:45 7 Q. And even you have stated that a sequence index just
10:53:53 8 represents a sequence; it's not the sequence itself,
10:53:56 9 correct?

10:53:56 10 A. Again, you have to be more specific.

10:54:04 11 Q. Well, you have taken the position, have you not, in
10:54:11 12 this litigation that a sequence index just represents the
10:54:16 13 actual sequence but isn't the sequence itself, correct?

10:54:19 14 A. You have to point to some specific portion of my
10:54:25 15 testimony.

10:54:27 16 Q. All right.

10:54:31 17 MR. SUMMERSGILL: Well, could we pull up
10:54:33 18 Dr. Madisetti's report -- opening report, Paragraph 235?

10:54:39 19 Q. (By Mr. Summersgill) The first sentence of that -- do
10:54:41 20 you see that, Dr. Madisetti?

10:54:42 21 A. Yes, I do.

10:54:45 22 Q. And in the first sentence, you state: For example,
10:54:50 23 Apple's Qualcomm products randomly select a sequence index
10:54:54 24 that represents a sequence from a plurality of available
10:54:59 25 sequence indexes.

10:55:00 1 Did I read that correctly?

10:55:02 2 A. Yes.

10:55:02 3 Q. And so even you, in your expert report in this case,
10:55:07 4 distinguished between sequences and sequence indexes,
10:55:10 5 correct?

10:55:10 6 A. I did not. I was saying that the sequence index is --
10:55:14 7 selecting a sequence index is the same as selecting the
10:55:18 8 sequence.

10:55:18 9 Q. Well, LTE sequences have a certain length, right?

10:55:24 10 A. Yes.

10:55:25 11 Q. LTE sequences are either 139 or 839 complex values
10:55:35 12 long, correct?

10:55:35 13 A. Yes.

10:55:35 14 Q. But a sequence index is only a single value, right?

10:55:41 15 A. A sequence index is an index that takes a value.

10:55:49 16 Q. It's only a single value, right?

10:55:54 17 A. I would disagree with that. A sequence index takes a
10:55:57 18 value.

10:55:57 19 Q. Well, Dr. Madisetti, you can't say whether a sequence
10:56:09 20 index is the same thing as a sequence, correct?

10:56:12 21 A. Could you please repeat the question?

10:56:17 22 Q. Yes. You can't say whether a sequence index is the
10:56:23 23 same thing as a sequence itself, correct?

10:56:25 24 A. I don't think I expressed an opinion on that issue. I
10:56:41 25 said that selecting a sequence index is the same thing as a

10:56:49 1 sequence.

10:56:49 2 Q. Right. So let me get this right. You offered the
10:56:51 3 opinion that Apple selects a sequence index, correct?

10:56:55 4 A. No, I offered an opinion that Apple selects a sequence
10:56:58 5 by selecting the sequence index.

10:57:01 6 Q. Right. But you can't say whether a sequence index is
10:57:03 7 the same thing as a sequence itself, right?

10:57:06 8 A. I did not offer an opinion on that separate issue.

10:57:09 9 Q. And we can agree that when the inventors went to get
10:57:12 10 their patent --

10:57:13 11 MR. SUMMERSEGILL: And if we could put Claim 1 back
10:57:17 12 up.

10:57:17 13 Q. (By Mr. Summersgill) -- the word they used was
10:57:19 14 "sequence," correct?

10:57:19 15 A. Yes.

10:57:20 16 Q. Now --

10:57:23 17 A. As I said, I can explain that.

10:57:25 18 Q. Now, Dr. Madisetti, the '557 patent isn't the only way
10:57:29 19 to use sequences for initiating access, correct?

10:57:33 20 A. Could you please be more specific?

10:57:35 21 Q. The '557 patent isn't the only way for a cell phone to
10:57:40 22 initiate -- to use sequences and initiate access with a
10:57:44 23 base station, right?

10:57:49 24 A. By -- again, I'm not sure as to your question. Is
10:57:52 25 it -- what do you mean by only way?

10:57:55 1 Q. Fair enough.

10:57:56 2 As part of your analysis, you analyzed potential
10:58:00 3 alternatives to the '557 patent, right?

10:58:02 4 A. Yes.

10:58:03 5 Q. And we can agree the '557 patent requires arranging
10:58:10 6 sequences in a particular way, correct?

10:58:14 7 A. Yes. The claims describe the ways.

10:58:18 8 Q. The claims -- and we can see it in Claim 1 -- require
10:58:23 9 sequences generated from the base -- from the same base
10:58:26 10 sequence and having different cyclic shifts arranged in an
10:58:31 11 increasing order of the cyclic shift, correct?

10:58:34 12 A. Yes, that's a portion of the limitation.

10:58:37 13 Q. Now, Apple proposed that one alternative to the '557
10:58:42 14 way of doing things would be to arrange sequences in a
10:58:45 15 decreasing order of cyclic shift, correct?

10:58:51 16 A. I believe so.

10:58:52 17 Q. And we can agree that decreasing is the opposite of
10:58:55 18 increasing, correct?

10:58:59 19 A. No, because in the context of this limitation, it is
10:59:07 20 not, as I can explain.

10:59:10 21 Q. Well, if Georgia Tech told you that they were
10:59:13 22 decreasing your salary, you'd know the difference between
10:59:17 23 that and increasing your salary, right?

10:59:21 24 A. As I said, that's a different example.

10:59:23 25 But what happens in this case is that it's a

10:59:26 1 cycle -- it's a cyclic shift, so when you move something in
10:59:29 2 a circle, when you decrease it in one way, it increases in
10:59:33 3 the other way.

10:59:35 4 MR. SUMMERSGILL: Your Honor, move to strike as
10:59:36 5 non-responsive.

10:59:37 6 THE COURT: Sustained.

10:59:39 7 Q. (By Mr. Summersgill) Dr. Madisetti, in this case,
10:59:42 8 you've taken the position that Apple's decreasing order
10:59:47 9 alternative would still infringe the increasing limitation
10:59:52 10 of the '557 claims, correct?

10:59:55 11 A. I did not. I think I said I did not take an opinion on
11:00:03 12 that issue because it was not clear as to what Apple was
11:00:05 13 proposing.

11:00:06 14 Q. Well, can we see what you said in your expert report,
11:00:09 15 Dr. Madisetti?

11:00:10 16 A. Sure.

11:00:11 17 MR. SUMMERSGILL: Let's pull up Dr. Madisetti's
11:00:14 18 opening report, Paragraph 506 --

11:00:16 19 THE COURT: Yes, Mr. Pollinger?

11:00:18 20 MR. POLLINGER: Your Honor, I object to showing
11:00:20 21 this -- publishing this to the jury before establishing a
11:00:24 22 foundation whether there's a need to show it to the jury
11:00:27 23 and a basis to show it to the jury.

11:00:29 24 THE COURT: This is his expert report. It's a
11:00:30 25 prior -- we'll find out, but I assume it's going to be a

11:00:36 1 prior inconsistent statement.

11:00:37 2 MR. POLLINGER: Thank you, Your Honor.

11:00:38 3 THE COURT: I don't see that there's a lack of
11:00:40 4 foundation here. That's overruled.

11:00:42 5 Q. (By Mr. Summersgill) And in the second sentence in
11:00:44 6 that paragraph, Dr. Madisetti, you stated: First, with
11:00:48 7 respect to Apple's decreasing order example, my opinion is
11:00:55 8 that this alternative is infringing. Do you see that?

11:01:01 9 A. Yes. So that means what I said earlier, that
11:01:06 10 increasing and decreasing are the same thing.

11:01:08 11 Q. So your expert opinion is that increasing -- increasing
11:01:11 12 and decreasing mean the same thing, correct?

11:01:12 13 A. In the context of what was disclosed by Apple.

11:01:16 14 Q. Now, could we now turn to the '332 patent,
11:01:22 15 Dr. Madisetti?

11:01:22 16 A. Sure.

11:01:23 17 Q. Now, this is the patent that you discussed with the
11:01:25 18 jury that has an equation in the claims, correct?

11:01:28 19 A. Among other things.

11:01:29 20 Q. And you were here for Mr. Sheasby's opening, right?

11:01:32 21 A. I reviewed the transcript.

11:01:35 22 Q. And you recall Mr. Sheasby highlighted this particular
11:01:38 23 patent as particularly important, right?

11:01:43 24 A. I believe all patents were, but --

11:01:46 25 Q. Well -- I apologize, Dr. Madisetti. Were you finished?

11:01:49 1 A. Yes.

11:01:50 2 Q. Now, he said it was ranked by the Innography group,
11:01:54 3 right?

11:01:54 4 A. Yes.

11:01:58 5 Q. Now -- and you know that the -- the lead inventor on
11:02:07 6 this patent is Mr. Dae Won Lee, correct?

11:02:10 7 A. Yes, Dr. Lee.

11:02:14 8 Q. I apologize. Now, you talked about the lead inventor,
11:02:18 9 Dr. Lee on your direct, correct?

11:02:22 10 A. Yes, briefly.

11:02:24 11 Q. You said he was one of your students, correct?

11:02:27 12 A. He was one of the students at Georgia Tech.

11:02:30 13 Q. And you said -- I believe you used the words he was a
11:02:32 14 prolific inventor, correct?

11:02:33 15 A. Yes.

11:02:33 16 Q. Now, he's not going to come and sit on the stand in
11:02:37 17 this trial and take questions, is he?

11:02:39 18 A. I'm not sure as to what you're asking me.

11:02:42 19 Q. He's not going to testify at this trial, right?

11:02:45 20 A. I don't think so.

11:02:46 21 Q. He's not going to come here and tell the jury that this
11:02:49 22 patent is important, right?

11:02:54 23 A. Again, I don't -- I don't think he'll be here, but I'm
11:02:58 24 not the right person to ask that.

11:02:59 25 Q. He's not going to come and tell this jury that the

11:03:02 1 Qualcomm and Intel chips use his invention, correct?

11:03:05 2 MR. POLLINGER: Your Honor, I object. He's
11:03:07 3 creating the suggestion that that's a legal requirement
11:03:09 4 that the inventor be here to testify as to his patent.
11:03:15 5 He's asked his question again and again.

11:03:16 6 THE COURT: I'll sustain on the repetitive nature.

11:03:21 7 The ground has been covered. Let's move on.

11:03:23 8 Q. (By Mr. Summersgill) Now, Dr. Madisetti, we do know
11:03:25 9 one thing that the inventor said about this patent, right?

11:03:33 10 A. I'm not sure as to what you mean.

11:03:34 11 Q. Well, you told the jury that the '332 patent disclosed
11:03:39 12 an important new invention in the industry, correct?

11:03:42 13 A. Yes.

11:03:43 14 Q. But that's not how the inventors described their idea
11:03:47 15 for the '332 patent before this lawsuit, is it?

11:03:50 16 A. I disagree. I believe that they proposed it to the
11:03:56 17 standards body and they felt it was very important.

11:04:00 18 Q. Well, let's turn to Tab 12, which is DTX-171.

11:04:08 19 MR. SUMMERSGILL: And if we can put that up on the
11:04:10 20 screen.

11:04:11 21 Q. (By Mr. Summersgill) You've seen this before, correct?

11:04:17 22 A. Yes.

11:04:18 23 Q. And this is a series of emails written by Mr. Dae Won
11:04:21 24 Lee in March 2008, correct?

11:04:24 25 A. That's what it says here.

11:04:26 1 Q. He's the -- again, the first named inventor of the '332
11:04:30 2 patent, correct?

11:04:30 3 A. Yes. Dae Won Lee is the inventor, and that's what this
11:04:33 4 says.

11:04:34 5 Q. And in this series of emails, Mr. Lee was -- I'm sorry,
11:04:38 6 Dr. Lee was describing the inventor's proposal that
11:04:41 7 ultimately became the '332 patent, correct?

11:04:45 8 A. I have to look at the entire email, but I believe this
11:04:49 9 is one of the emails that was discussing the proposal.

11:04:52 10 Q. And in this email, Dr. Lee describes an equation,
11:04:58 11 correct?

11:04:58 12 A. Yes.

11:04:59 13 Q. And the equation that he describes in this email is the
11:05:03 14 same equation that's in the claims of the '332 patent,
11:05:07 15 correct?

11:05:07 16 A. It's a portion of it.

11:05:13 17 Q. And you told the jury -- I believe the word you used
11:05:16 18 was this was a critical new way for mobile devices to
11:05:19 19 search the PDCCH, correct?

11:05:21 20 A. Yes, it is a -- it's a very important -- the previous
11:05:25 21 approaches were -- had a critical flaw in them.

11:05:28 22 Q. But in his email, Dr. Lee wrote, quote, what we are
11:05:36 23 proposing is nothing new really, correct?

11:05:41 24 MR. SUMMERSGILL: If we could pull that up on the
11:05:43 25 screen. It's down at the bottom of the page.

11:05:46 1 A. Yes.

11:05:48 2 Q. (By Mr. Summersgill) Do you see the -- the -- the
11:05:50 3 first line of that last paragraph, Dr. Madisetti?

11:05:53 4 A. Yes.

11:05:54 5 Q. So Dr. Lee wrote that what we are proposing is nothing
11:05:59 6 new really, correct?

11:06:01 7 A. That's what he wrote. As I said, I can explain this in
11:06:05 8 detail.

11:06:06 9 Q. And then he went on to say at the bottom of that
11:06:10 10 paragraph, quote, what we are proposing is to use what is
11:06:15 11 well-known equation, correct?

11:06:17 12 A. Yes, that text appears in this email. But I can
11:06:20 13 explain.

11:06:20 14 Q. Those were the first inventors -- the first named
11:06:27 15 inventor's words, correct?

11:06:29 16 A. Yes. As I said, he was being very modest.

11:06:33 17 MR. SUMMERSGILL: Your Honor, I'll move to strike.

11:06:38 18 THE COURT: I don't think that's offensively
11:06:41 19 non-responsive. I'll overrule.

11:06:42 20 Q. (By Mr. Summersgill) So those are the words that the
11:06:44 21 lead inventor of the '332 patent said before this lawsuit
11:06:51 22 was filed, correct?

11:06:52 23 A. Yes.

11:06:53 24 Q. And you never bothered to ask that inventor, Dr. Lee,
11:06:57 25 what he meant by this email, correct?

11:06:59 1 A. I did not ask him.

11:07:05 2 Q. And Mr. -- Dr. Lee isn't here to explain it, right?

11:07:08 3 A. I agree.

11:07:09 4 Q. Now, you told the jury on direct that the '332 patent
11:07:13 5 describes a better way for mobile devices to calculate
11:07:17 6 where to begin searching on something called the PDCCH,
11:07:20 7 correct?

11:07:20 8 A. Yes, among other things.

11:07:24 9 Q. And if we could turn to Claim 6 of the '332 patent,
11:07:29 10 which is PX-2, and it's at Tab 18 of your binder,
11:07:33 11 Dr. Madisetti.

11:07:33 12 A. Yes, I'm looking at it on the screen.

11:07:36 13 Q. Now, this is one of the two claims that you told the
11:07:39 14 jury is infringed, correct?

11:07:40 15 A. Yes.

11:07:40 16 Q. Now, Optis claims that this -- argues that this claim
11:07:48 17 is literally infringed, correct?

11:07:50 18 A. Yes.

11:07:50 19 Q. And neither you nor Optis have made an argument under
11:07:56 20 the Doctrine of Equivalents, right?

11:07:58 21 A. You are right.

11:07:59 22 Q. Now, to prove infringement, the Plaintiffs must show
11:08:01 23 that Apple's products meet every element of this claim,
11:08:05 24 right?

11:08:05 25 A. Yes.

11:08:06 1 Q. And Claim 6 requires a mobile device to perform a
11:08:12 2 specific math equation, correct?

11:08:15 3 A. Among other things, a particular math expression.

11:08:22 4 Q. And if you look down in the third limitation, it
11:08:25 5 requires something called a modulo "C" operation wherein
11:08:29 6 "C" is determined as $\text{floor}(N/L)$, correct?

11:08:34 7 A. Yes.

11:08:36 8 Q. And a lot of technical language, but that's a math -- a
11:08:40 9 specific math operation, correct?

11:08:42 10 A. That's a specific math expression.

11:08:44 11 Q. So the claim requires using that calculation as part of
11:08:49 12 the equation to figure out where to begin searching the
11:08:54 13 PDCCH, right?

11:08:55 14 A. Yes, among other things.

11:08:57 15 Q. And we can agree that Claim 7 has the same requirement,
11:09:01 16 correct?

11:09:01 17 A. Yes.

11:09:01 18 Q. Now, Apple says that its products don't perform that
11:09:14 19 operation, this $\text{floor}(N/L)$ operation of the claims,
11:09:17 20 correct?

11:09:17 21 A. Yes. That's my high-level understanding, yes.

11:09:20 22 Q. And if the jury agrees with Apple, then there's no
11:09:22 23 infringement of these claims, correct?

11:09:24 24 A. Yes, I agree. If it doesn't meet the limitation, it
11:09:29 25 won't meet that limitation.

11:09:30 1 Q. Now, you're familiar with a concept of an operator in a
11:09:35 2 programming language, correct?

11:09:36 3 A. You have to be a little more specific.

11:09:39 4 Q. You're -- you're familiar with the concept of an
11:09:42 5 operator, right?

11:09:44 6 A. As a part of language, yes. At a high level, yes.

11:09:48 7 Q. And programming languages use different operators to
11:09:52 8 perform different functions, correct?

11:09:53 9 A. I disagree with that.

11:09:55 10 Q. Okay. Well, we can agree that the source code for
11:09:58 11 Intel and Qualcomm's chips include code written in the C
11:10:03 12 and the C++ programming languages, right?

11:10:07 13 A. Yes.

11:10:08 14 Q. And the C programming language has one operator called
11:10:12 15 a divide, correct?

11:10:15 16 A. Yes. It has many operators for the divide.

11:10:20 17 MR. SUMMERSGILL: Your Honor, may I approach the
11:10:22 18 whiteboard?

11:10:23 19 THE COURT: You may. You may use the chart.

11:10:26 20 MR. SUMMERSGILL: Thank you.

11:10:27 21 Q. (By Mr. Summersgill) And that operator is shown with a
11:10:30 22 forward slash, correct?

11:10:31 23 A. As I said, I disagree with your question. I said: It
11:10:35 24 has many operators for the divide.

11:10:37 25 Q. Well, the C programming language has another operator

11:10:43 1 called a right shift, correct?

11:10:46 2 A. Yes, but that's also divide.

11:10:48 3 Q. And the right shift is shown with a different symbol,
11:10:53 4 two forward arrows, correct?

11:10:56 5 A. I didn't understand your question. Again?

11:11:02 6 Q. The shift --

11:11:03 7 THE COURT: Let me interrupt for just a minute.

11:11:05 8 Ladies and gentlemen, there's a very brief matter I need to
11:11:07 9 take up with the parties outside of your presence. Please
11:11:10 10 give me just a minute with you outside the courtroom, and
11:11:12 11 I'll have you right back in here.

11:11:15 12 If you'll leave your notebooks in your chairs and
11:11:17 13 not discuss the case among yourselves, I promise you, this
11:11:20 14 will be very short. Please retire to the jury room for
11:11:23 15 just a minute.

11:11:25 16 COURT SECURITY OFFICER: All rise.

11:11:26 17 (Jury out.)

11:11:26 18 THE COURT: Please be seated.

11:11:48 19 I fully understand the trial process where
11:11:58 20 co-counsel are in some form of communication with the
11:12:02 21 counsel who's taking a witness.

11:12:04 22 Mr. Sheasby, I've lost count how many times you
11:12:07 23 have popped up and walked around this courtroom while
11:12:11 24 Mr. Summersgill was crossing the witness or while
11:12:15 25 Mr. Pollinger was directing the witness. This is not your

11:12:17 1 witness, and you've done everything you could to make it
11:12:20 2 your witness, including trying to argue objections to me
11:12:24 3 after we came back from the prior recess.

11:12:27 4 If you want to pass notes to Mr. Pollinger and
11:12:29 5 hold his hand, then I suggest you move the corporate
11:12:33 6 representative from that seat, and you sit right next to
11:12:36 7 him.

11:12:36 8 But it's highly dis -- distracting, at least it is
11:12:40 9 to me, so I assume it is to the jury, to have you move
11:12:43 10 around and pop up and down and lean over with your laptop
11:12:46 11 in front of Mr. Pollinger and give him the ongoing
11:12:49 12 instructions that you're giving him. You need to let it
11:12:55 13 go. This is not your witness.

11:12:57 14 And I'll say this: I have never seen a corporate
11:12:59 15 representative on the Apple side stand up and pass notes to
11:13:03 16 the lawyer three or four or five times.

11:13:06 17 I assume you're not part of the trial team, sir.
11:13:09 18 I assume you're here merely to represent the Defendant --

11:13:12 19 MR. MUELLER: I apologize. I just asked him --

11:13:13 20 THE COURT: Is he your go-between?

11:13:16 21 MR. MUELLER: I apologize. I asked Mr. Blevins to
11:13:17 22 pass it so we -- it was -- it was me, Your Honor, not him.

11:13:19 23 THE COURT: The interaction of lead counsel with
11:13:22 24 these very qualified lawyers who now have this witness is
11:13:24 25 becoming disrupt -- distracting. And it needs to be

11:13:28 1 moderated. I'm not saying that it must be stopped
11:13:31 2 completely. I -- I know what it's like to try and help
11:13:35 3 someone who's on your trial team. But this is beginning to
11:13:38 4 get out of hand, okay?

11:13:39 5 MR. MUELLER: Understood.

11:13:40 6 MR. SHEASBY: I understand, Your Honor.

11:13:41 7 THE COURT: Let's bring the jury back in.

11:13:44 8 COURT SECURITY OFFICER: All rise.

11:13:46 9 (Jury in.)

11:14:14 10 THE COURT: Thank you, ladies and gentlemen.

11:14:15 11 Please have a seat.

11:14:16 12 And we'll continue with the cross-examine of the
11:14:22 13 witness -- cross-examination of the witness by the
11:14:24 14 Defendant.

11:14:24 15 Please proceed.

11:14:25 16 MR. SUMMERSGILL: Thank you, Your Honor.

11:14:26 17 Q. (By Mr. Summersgill) Now, Dr. Madisetti, before the
11:14:27 18 break, we were talking about the divide symbol, the forward
11:14:33 19 slash symbol, and the right shift symbol, right?

11:14:35 20 A. Yes. But I don't agree with your characterization of
11:14:39 21 those symbols.

11:14:39 22 Q. Now, Apple contends that the Qualcomm and Intel chips
11:14:44 23 don't infringe because they perform this shift operation
11:14:48 24 instead of a divide operation, correct?

11:14:52 25 A. Yes. That's how I understand Apple's position to be.

11:14:56 1 Q. Now, you've taken the position in this case that a
11:14:59 2 shift is the same thing as a floor(N/L) operation, correct?

11:15:06 3 A. Yes.

11:15:06 4 Q. But we can agree that if one operation is simpler than
11:15:12 5 another operation, they aren't the same thing, correct?

11:15:14 6 A. I disagree.

11:15:15 7 Q. Well, let's turn to Tab 11 in your binder, and this is
11:15:26 8 a -- a journal paper from 1994, correct?

11:15:36 9 A. Yes.

11:15:45 10 Q. And it lists V. Madisetti as one of the editors,
11:15:53 11 correct?

11:15:53 12 A. Yes.

11:15:53 13 Q. And that's you, correct?

11:15:55 14 A. Yes.

11:15:55 15 Q. And if you turn the page to 128, this is one of the
11:16:04 16 articles --

11:16:05 17 MR. SUMMERSGILL: I'm sorry, you can go back to
11:16:07 18 the cover page.

11:16:09 19 Q. (By Mr. Summersgill) -- this is one of the articles
11:16:11 20 that was in that set of articles that you edited, correct?

11:16:14 21 A. I didn't edit the article. I edited the -- the book.

11:16:17 22 Q. Okay. But this article is in the book that you edited,
11:16:26 23 correct?

11:16:26 24 A. Yes.

11:16:26 25 Q. Now, if we turn to Page 128, this article states,

11:16:33 1 quote --

11:16:34 2 MR. SUMMERSGILL: And if we could pull that up.

11:16:36 3 Q. (By Mr. Summersgill) Well, Dr. Madisetti, you've got
11:16:47 4 it in front of you.

11:16:48 5 It states: In each iteration, there's a division
11:16:51 6 by 2, and this takes care of a correct division as at
11:16:59 7 stage i , the iteration number is a minus i , and the
11:17:05 8 division of the original input is by 3^{n-i-1} [sic].

11:17:15 9 Do you see that?

11:17:16 10 A. I don't.

11:17:17 11 Q. This is Tab 1 -- I'm sorry, Tab -- Tab 24 in your
11:17:24 12 binder.

11:17:43 13 A. Okay.

11:17:44 14 Q. So you see the sentence I read, sir?

11:17:46 15 A. Which page, sir?

11:17:48 16 Q. Page 128. Page 128 in the left column following the
11:18:02 17 code?

11:18:02 18 A. Yes, I see a sentence here.

11:18:04 19 Q. And it refers to using a division, correct?

11:18:11 20 A. Yes. Yes, it says something about a division.

11:18:16 21 Q. And then in the next sentence it says, quote, a simpler
11:18:21 22 way is to write the inputs in binary and shift to right,
11:18:27 23 dropping LSB each time, as this is equivalent to a division
11:18:32 24 by 2.

11:18:32 25 Do you see that?

11:18:33 1 A. I see that. It's the same as the division. That's
11:18:35 2 what I said.

11:18:36 3 Q. The paper is saying that you get the same answer but
11:18:41 4 that the shift is a simpler way, correct?

11:18:44 5 A. Again, I didn't write this paper, but my understanding
11:18:49 6 is that the shift and the division are one and the same.

11:18:52 7 Q. Well, we can agree that code that is faster and
11:18:55 8 requires fewer steps, even if it gets the same answer, is
11:18:59 9 better than code that's slower and requires more steps,
11:19:05 10 right?

11:19:05 11 A. I cannot provide a yes or no answer for that.

11:19:08 12 Q. Well, you traveled from Atlanta, Georgia, to Marshall
11:19:12 13 to get here for the trial, correct?

11:19:14 14 A. Yes.

11:19:14 15 Q. There's more than one way to get from Atlanta to
11:19:18 16 Marshall, Texas, correct?

11:19:19 17 A. Yes.

11:19:22 18 Q. You could fly, right?

11:19:23 19 A. Yes.

11:19:23 20 Q. You could drive, right?

11:19:25 21 A. Yes.

11:19:27 22 Q. And you could walk, correct?

11:19:29 23 A. Yes.

11:19:29 24 Q. Each of those ways will get you to Marshall, Texas,
11:19:35 25 correct?

11:19:35 1 A. Yes.

11:19:35 2 Q. But some ways are faster than others, correct?

11:19:41 3 A. Yes. In your example, yes.

11:19:42 4 Q. Some ways are better than others, correct?

11:19:46 5 A. In your example, yes.

11:19:47 6 Q. So just because you get to the same place, doesn't mean

11:19:51 7 you got there the same way, correct?

11:19:52 8 A. In your example, yes. But in this example, the

11:19:55 9 division and the shift are one and the same.

11:19:57 10 Q. Now, Dr. Madisetti, can we now turn to the third patent

11:20:03 11 that you analyzed, the '833 patent?

11:20:07 12 A. Yes.

11:20:07 13 Q. Now, you're aware that the Plaintiffs are asking Apple

11:20:10 14 to pay hundreds of millions of dollars for this patent

11:20:14 15 alone, correct?

11:20:14 16 A. I'm not aware of the exact numbers, but if that's what

11:20:19 17 you represent, I will go with it.

11:20:21 18 Q. You know it's a whole lot of money, correct?

11:20:24 19 A. Again, I -- I don't have the numbers.

11:20:26 20 Q. Now, LG Electronics was the original owner of the '833

11:20:32 21 patent, correct?

11:20:32 22 A. I believe so.

11:20:33 23 Q. And you were here for Mr. Sheasby's opening statement

11:20:37 24 in this case, correct?

11:20:37 25 A. I reviewed the transcript. I was not here personally.

11:20:40 1 Q. Okay.

11:20:42 2 MR. SUMMERSGILL: Well, could we pull up PDX-1.13
11:20:47 3 from Mr. Sheasby's opening statement?

11:20:50 4 Q. (By Mr. Summersgill) Do you recall from the transcript
11:20:52 5 that Mr. Sheasby used this slide in his opening?

11:20:57 6 A. Yes, I -- I generally recall.

11:21:00 7 Q. And LG is over on the left side. Do you see that?

11:21:02 8 A. LGE, yes.

11:21:03 9 Q. And that's LG Electronics, correct?

11:21:07 10 A. Yes.

11:21:07 11 Q. And it shows that LG has nearly 90,000 patents in its
11:21:13 12 portfolio, correct?

11:21:13 13 A. Yes. As of 2011, yes.

11:21:22 14 Q. We can agree that's a lot of patents, right?

11:21:24 15 A. Yes.

11:21:25 16 Q. And you know that LG decided to transfer the '833
11:21:29 17 patent to Optis, correct?

11:21:34 18 MR. POLLINGER: Objection, lack of foundation.

11:21:36 19 THE COURT: If he knows, he can answer. If he
11:21:43 20 doesn't know, he can say I don't know.

11:21:46 21 THE WITNESS: Okay.

11:21:46 22 THE COURT: Overruled.

11:21:47 23 A. My understanding is that the other companies chose the
11:21:52 24 patents, not LG. So this way the -- again, I don't have a
11:22:00 25 specific understanding. I have a general understanding

11:22:02 1 that the quality was unsure because the other parties chose
11:22:06 2 the patents of LG.

11:22:08 3 Similarly, LG chose the patents of the other
11:22:12 4 parties to make sure that the parties were of the highest
11:22:17 5 quality -- the patents were of the highest quality.

11:22:21 6 Q. (By Mr. Summersgill) Sir, LG kept thousands and
11:22:23 7 thousands of patents in its portfolio, correct?

11:22:25 8 A. Again, I don't have specific information as to prove
11:22:28 9 that issue.

11:22:29 10 Q. But you can see it on Mr. Sheasby's chart, correct?

11:22:31 11 A. I can see on the chart that LG has a lot of patents.

11:22:33 12 Q. And LG was willing to transfer this patent, the '833
11:22:37 13 patent, to Optis, correct?

11:22:42 14 A. Again, I cannot go into specifics. I don't have the
11:22:46 15 knowledge. All I know is that the other parties were
11:22:49 16 selecting patents to ensure the patents were of the highest
11:22:54 17 quality.

11:22:54 18 Q. Dr. Madisetti, could you please turn to PX-1571, which
11:22:58 19 is also Tab 21 in your binder?

11:23:00 20 A. Yes, sir.

11:23:01 21 Q. That's the '833 patent, correct?

11:23:02 22 A. Yes.

11:23:03 23 Q. And Plaintiffs allege that Apple's products infringe
11:23:10 24 Claim 8, correct?

11:23:11 25 A. Yes.

11:23:11 1 Q. Now, this claim describes the mapping of a type of
11:23:15 2 signal called an SC-FDMA signal, correct?

11:23:22 3 A. I would disagree. I would say the claims speak for
11:23:25 4 themselves.

11:23:25 5 MR. SUMMERSGILL: I'm sorry, can we put Claim 8
11:23:29 6 up, please?

11:23:30 7 Q. (By Mr. Summersgill) The claim refers to an SC-FDMA
11:23:35 8 symbol, correct?

11:23:35 9 A. Yes, that's called a Single-carrier Frequency Division
11:23:40 10 Multiple Access symbol.

11:23:40 11 Q. And as you explained yesterday, the claim also refers
11:23:43 12 to columns and rows, correct?

11:23:44 13 A. As a part of the claim, as claimed?

11:23:48 14 Q. And each one of those columns corresponds to an SC-FDMA
11:23:56 15 symbol, correct?

11:23:56 16 A. Which portion of the claim are you referring to?

11:23:59 17 Q. Well, if you look at -- I can't see the line where it
11:24:09 18 states: Wherein the number of columns of the 2-dimensional
11:24:13 19 resource matrix corresponds to a number of SC-FDMA symbols.

11:24:13 20 MR. SUMMERSGILL: Down a little bit further,
11:24:13 21 Mr. Lee. Down a little further, starting with that line.

11:24:22 22 Q. (By Mr. Summersgill) Do you see that, Dr. Madisetti?

11:24:23 23 A. Yes. That only refers to the number. It does not say
11:24:26 24 the columns are the symbols.

11:24:29 25 Q. Well, okay. Now, let's focus on the part of the claim

11:24:31 1 starting at Column 10, Line 17.

11:24:39 2 It states, quote, the multiplex signals are mapped
11:24:43 3 from the first column of the first row to the last column
11:24:46 4 of the first row, comma, the first column of the second row
11:24:53 5 to the last column of the second row, and so on, until all
11:24:59 6 the multiplexed signals are mapped to the 2-dimensional
11:25:07 7 resource matrix. Do you see that?

11:25:09 8 A. I see that.

11:25:10 9 Q. And that's what the claim says, right?

11:25:12 10 A. Yes.

11:25:13 11 MR. SUMMERSGILL: Your Honor, may I use a
11:25:16 12 demonstrative?

11:25:16 13 THE COURT: You may.

11:25:19 14 Q. (By Mr. Summersgill) Now, Dr. Madisetti, okay if we
11:25:24 15 map that out on this demonstrative?

11:25:28 16 A. Yes, I can see a portion of it. I mean, is it --

11:25:31 17 THE COURT: Bring the easel forward, please,
11:25:34 18 counsel.

11:25:34 19 MR. SUMMERSGILL: Yes, Your Honor.

11:25:52 20 Q. (By Mr. Summersgill) Now, Dr. Madisetti, this is the
11:25:54 21 first column of the first row, correct?

11:25:57 22 A. First column of the first row, yes, sir.

11:25:59 23 Q. And this is the last column of the first row, correct?

11:26:03 24 A. Yes.

11:26:04 25 Q. And the claim says that you map from the first column

11:26:08 1 of the first row to the last column of the last row,

11:26:12 2 correct?

11:26:12 3 A. Yes. That's what you do. You start on the left, and

11:26:14 4 you go column-by-column to the right.

11:26:16 5 Q. And then the claim says you go to the first column of

11:26:21 6 the second row, correct?

11:26:22 7 A. Yes.

11:26:23 8 Q. And you map across to the last column of the second

11:26:28 9 row, correct?

11:26:28 10 A. Yes.

11:26:29 11 Q. And the claim says you keep doing that until the whole

11:26:33 12 matrix is mapped, correct?

11:26:35 13 A. Yes.

11:26:36 14 Q. Now, I'm going to refer to that as row-by-row mapping,

11:26:45 15 okay?

11:26:45 16 A. It's your call. I mean, I would call it by the

11:26:48 17 language in the claim.

11:26:49 18 Q. Well, what the language in the claim describes is

11:26:54 19 exactly what we just did on that chart, correct?

11:26:57 20 A. Yes, for each row there's a column-by-column mapping.

11:27:03 21 Q. Now, Apple says it doesn't infringe this claim because,

11:27:07 22 among other things, it says its products map symbols

11:27:12 23 column-by-column, correct?

11:27:15 24 A. Yes, that's what Apple says.

11:27:17 25 Q. And so Apple says it maps from the top of one column to

11:27:22 1 the bottom of a column, correct?

11:27:24 2 A. Yes, that's what Apple says.

11:27:25 3 Q. And Apple says that once it's mapped one column, which
11:27:30 4 corresponds to a symbol, it's able to just send that
11:27:33 5 symbol, correct?

11:27:34 6 A. Yes, that's what Apple says, which I disagree.

11:27:38 7 Q. Well, Dr. Madisetti, row-by-row mapping is different
11:27:45 8 from column-by-column mapping, correct?

11:27:48 9 A. Again, I disagree. I can explain.

11:27:51 10 Q. Sir, isn't it true that you've taken the position in
11:27:53 11 this case that row-by-row mapping is distinct from
11:27:58 12 column-by-column mapping?

11:27:59 13 A. I disagree. I can explain.

11:28:02 14 MR. SUMMERSGILL: Well, can we please pull up --

11:28:07 15 Q. (By Mr. Summersgill) Dr. Madisetti, take a look at
11:28:10 16 Tab 8, please, which is one of your expert reports?

11:28:12 17 MR. SUMMERSGILL: And I'd ask that we please pull
11:28:15 18 up Paragraph 79 from Dr. Madisetti's rebuttal expert
11:28:23 19 report.

11:28:23 20 A. My rebuttal report?

11:28:26 21 Q. (By Mr. Summersgill) Correct.

11:28:26 22 A. Okay.

11:28:28 23 Q. And that is Tab 8.

11:28:33 24 A. Are you going to put it up or --

11:28:36 25 MR. SUMMERSGILL: Yes, please, please, put it up.

11:28:39 1 Q. (By Mr. Summersgill) And do you see that, sir?

11:28:40 2 A. Do I see what?

11:28:44 3 Q. Your expert report. I thought maybe you had it in
11:28:47 4 front of you. We'll work on getting it up on the screen,
11:28:51 5 Dr. Madisetti.

11:28:59 6 While we're waiting for it to be put on the
11:29:02 7 screen, would you mind --

11:29:03 8 A. Which volume should I go --

11:29:06 9 Q. It's Tab 8, Volume 1, I believe.

11:29:09 10 A. I'll go there. Which page would you like me to go to,
11:29:21 11 sir?

11:29:21 12 Q. Paragraph 79, Page 37. And let me know when you're
11:29:24 13 there.

11:29:36 14 Now we have it up on the screen, Dr. Madisetti.

11:29:40 15 A. Okay.

11:29:40 16 Q. Okay. Again, this is your expert report, correct?

11:29:44 17 A. Yes, it's my rebuttal expert report.

11:29:45 18 Q. And here you were talking about some of the prior art
11:29:48 19 references at issue in this case, correct?

11:29:50 20 A. Yes, I was using Dr. Wells's terminology. This is not
11:29:53 21 mine.

11:29:54 22 Q. In your report, sir, you distinguished between mapping
11:29:58 23 signals row-by-row and mapping signals column-by-column,
11:30:01 24 right?

11:30:01 25 A. Yes, I was using Dr. Wells.

11:30:06 1 Q. Well, what you said was the Qualcomm reference, on the
11:30:12 2 left, maps its signals row-by-row, correct?

11:30:18 3 A. Yes, I was referring to Dr. Wells. It's not an
11:30:22 4 admission that it does. It was just citing Dr. Wells.

11:30:25 5 Q. Sir, that's what you said in your expert report,
11:30:27 6 correct?

11:30:27 7 A. Yes.

11:30:28 8 Q. And then you included that picture on the left showing
11:30:31 9 row-by-row mapping, correct?

11:30:35 10 A. Yes, that's the picture from Dr. Wells.

11:30:36 11 Q. And you then said that the Malladi reference '161 maps
11:30:44 12 its signals column-by-column, correct?

11:30:48 13 A. Yes, that's Dr. Wells's pictures that I reproduced.

11:30:51 14 Q. And you include the picture on the right showing
11:30:53 15 column-by-column mapping, correct?

11:30:55 16 A. Yes, as I said, Dr. Wells drew that picture. Not me.

11:30:59 17 Q. And that wasn't the only time you referred to -- you
11:31:02 18 distinguished row-by-row and column-by-column mapping, was
11:31:09 19 it?

11:31:09 20 A. Again, you have to be more specific than that. I --

11:31:13 21 Q. Well, let's --

11:31:15 22 MR. SUMMERSEGILL: Let's pull up Paragraph 113 of
11:31:19 23 your expert report, please.

11:31:23 24 Q. (By Mr. Summersgill) Sir, on at least five different
11:31:26 25 instances in your report, you -- you distinguished

11:31:30 1 row-by-row from column-by-column mapping; isn't that right?

11:31:34 2 A. As I said, I used Dr. Wells's terminology. I did not
11:31:38 3 admit that either of those references had mapping, and I
11:31:41 4 think I explained that in my deposition.

11:31:43 5 Q. Well, as part of your analysis, you looked at the
11:31:45 6 source code for the Intel and the Qualcomm baseband chips
11:31:51 7 used in the Apple products, correct?

11:31:54 8 A. Yes, sir.

11:31:54 9 Q. And you would agree that the source code in both the
11:31:57 10 Intel and Qualcomm baseband chips maps its signals
11:32:02 11 column-by-column instead of row-by-row, correct?

11:32:05 12 A. I disagree.

11:32:07 13 Q. Well, turn to Tab 2, your deposition, Page 393, Lines 8
11:32:17 14 to 19.

11:32:19 15 A. Yes, I've reviewed that.

11:32:21 16 Q. And you were asked that question there and you gave
11:32:26 17 that answer, correct?

11:32:27 18 A. I was not asked that question, sir. I disagree.

11:32:31 19 Q. You disagree that you were asked that question?

11:32:34 20 A. Yes. The question says, first and second resource
11:32:37 21 elements.

11:32:37 22 Q. Sir, that is a question and answer from your deposition
11:32:41 23 on June 4th of this year, correct?

11:32:44 24 A. Yes, that's correct.

11:32:46 25 Q. And you answered that -- you provided that answer,

11:32:49 1 correct?

11:32:49 2 A. Yes, to a different question.

11:32:51 3 MR. SUMMERSGILL: Let's pull up Dr. Madisetti's

11:32:54 4 deposition, Page 393, Lines 8 to 19.

11:32:58 5 Q. (By Mr. Summersgill) You were asked:

11:33:00 6 Question: Based on the way that the source code

11:33:04 7 works and the source code executes, when the source code

11:33:07 8 runs in the Qualcomm and Apple processors, which resource

11:33:11 9 element is mapped first and which resource element is

11:33:15 10 mapped second sequentially by the code?

11:33:21 11 Answer: I said they are mapped column-by-column

11:33:29 12 in a temporally segmented manner, starting at the top left,

11:33:34 13 as described in Column 5 of Lines 45 to 55 of the '833

11:33:39 14 patent. And I've verified that and provided detailed

11:33:43 15 description of the code in my report, as well as my

11:33:47 16 reliance on Dr. Jones's report and the analysis that I've

11:33:52 17 done personally on the source code computer.

11:33:54 18 You were asked that question and you gave that

11:33:57 19 answer, correct?

11:33:57 20 A. Yes, I can explain. It's fully consistent with my

11:33:59 21 opinions.

11:33:59 22 Q. And you gave that answer after you'd studied the source

11:34:01 23 code, correct?

11:34:02 24 A. Yes.

11:34:02 25 Q. You'd verified your analysis?

11:34:04 1 A. Yes. I can explain.

11:34:05 2 Q. You'd carefully analyzed the products, correct?

11:34:09 3 A. Yes.

11:34:10 4 Q. And -- but today you're telling the jury that Apple
11:34:15 5 products really map row-by-row, correct?

11:34:17 6 A. Yes. As I explained, the 2D matrix is mapped
11:34:21 7 row-by-row. That particular column -- the first column is
11:34:27 8 mapped column-by-column -- the first row is mapped
11:34:28 9 column-by-column because this --

11:34:29 10 THE COURT: Dr. Madisetti, you're launching into
11:34:31 11 an explanation he didn't call for. And as I've reminded
11:34:35 12 you, Mr. Pollinger is going to get to ask you more
11:34:37 13 questions. And if he thinks it needs to be explained
11:34:41 14 again, he'll ask you to explain it.

11:34:43 15 But once you've answered Mr. Summersgill's
11:34:46 16 question, you need to leave it at that. Do you understand?

11:34:50 17 THE WITNESS: I'm sorry, Your Honor.

11:34:51 18 THE COURT: All right. Let's proceed.

11:34:54 19 Q. (By Mr. Summersgill) Dr. Madisetti, today you're
11:34:56 20 telling this jury that the Apple products really map
11:35:00 21 row-by-row, correct?

11:35:01 22 A. I'm -- could I clarify -- I mean, your question is not
11:35:05 23 specific enough.

11:35:06 24 Q. Dr. Madisetti, you told the jury on direct that Apple
11:35:12 25 products map row-by-row, correct?

11:35:14 1 A. As in the claim.

11:35:15 2 Q. Now, the source code didn't change between June 4 and
11:35:21 3 today, did it?

11:35:22 4 A. No.

11:35:23 5 Q. The only thing that changed is that you started to
11:35:25 6 prepare for trial with the lawyers, correct?

11:35:28 7 A. Yes.

11:35:31 8 MR. SUMMERSGILL: Pass the witness.

11:35:33 9 THE COURT: If you'll take your demonstrative
11:35:35 10 down, please, counsel.

11:35:37 11 MR. SUMMERSGILL: Yes, sir.

11:35:37 12 THE COURT: I assume there's redirect,
11:35:40 13 Mr. Pollinger?

11:35:41 14 MR. POLLINGER: Yes, Your Honor.

11:35:41 15 THE COURT: All right. All right. When you're
11:36:05 16 ready, please proceed with your redirect, counsel.

11:36:09 17 MR. POLLINGER: Thank you, Your Honor.

11:36:09 18 REDIRECT EXAMINATION

11:36:10 19 BY MR. POLLINGER:

11:36:10 20 Q. Professor Madisetti, Mr. Summersgill asked you a number
11:36:13 21 of questions about your work as an expert in other cases.

11:36:21 22 Have you ever been asked by Apple's law firm here,
11:36:26 23 Wilmer Hale, to work with them on behalf of one of their
11:36:34 24 clients?

11:36:34 25 A. Yes.

11:36:34 1 Q. Has that happened recently?

11:36:35 2 A. Yes. I'm still working for them.

11:36:45 3 Q. Professor Madisetti, Mr. Summersgill asked you a number
11:36:50 4 of questions regarding the inventors on these patents and
11:36:57 5 whether or not you spoke to the inventors.

11:37:03 6 Now, you've testified that you worked in a lot of
11:37:07 7 these patents cases.

11:37:10 8 What determines whether there's infringement in a
11:37:14 9 patent case?

11:37:15 10 A. Just the claims. Only the claims matter because claims
11:37:20 11 are what describe and limit the invention.

11:37:25 12 Q. Does an inventor's testimony determine whether there's
11:37:29 13 infringement?

11:37:30 14 A. Not at all.

11:37:31 15 Q. When there's certain disputed language in the claims,
11:37:38 16 who decides the meaning of those claims? Is it the Court,
11:37:44 17 or is it the inventor?

11:37:46 18 A. It's the Court and the Judge.

11:37:49 19 Q. Now, the lead inventors on the three patents, they've
11:37:58 20 been deposed with respect to their patents, correct, in
11:38:03 21 another case?

11:38:04 22 A. Yes.

11:38:05 23 Q. And you listed their depositions as materials that you
11:38:12 24 considered in your expert report, correct?

11:38:15 25 A. Yes.

11:38:16 1 MR. POLLINGER: Could we see that? If we could go
11:38:19 2 to Paragraph 126 of Professor Madisetti's opening expert
11:38:26 3 report.

11:39:27 4 Q. (By Mr. Pollinger) While we're trying to do this, why
11:39:29 5 don't I follow another line of questions, and see if we can
11:39:34 6 come back to this, in the interest of time.

11:39:36 7 Mr. Summersgill made a number of references to
11:39:42 8 Intel and Qualcomm. Do you recall that?

11:39:44 9 A. Yes.

11:39:44 10 Q. And Apple has a business relationship with Intel and
11:39:50 11 Qualcomm. Do you understand that?

11:39:52 12 A. Yes, that's my high-level understanding.

11:39:57 13 Q. Have you seen any evidence that Intel or Qualcomm has
11:40:02 14 protested that there's no infringement in this case?

11:40:04 15 A. I have not.

11:40:06 16 Q. Here, I think we've got your expert report -- your
11:40:11 17 opening expert report.

11:40:12 18 And I was asking you whether you considered a
11:40:16 19 deposition from a prior case from the first named inventors
11:40:23 20 on these patents.

11:40:24 21 What do we see here at Paragraph 126 of your
11:40:27 22 expert report?

11:40:29 23 A. This is referring to the Imamura --

11:40:32 24 THE COURT: Just -- just a minute.

11:40:33 25 MR. SUMMERSGILL: Your Honor, I object to the

11:40:34 1 extent that he's going to say anything beyond the fact that
11:40:38 2 he cited it in his expert report. I think the question
11:40:44 3 calls for more than that.

11:40:47 4 MR. POLLINGER: I haven't done anything further,
11:40:49 5 and I don't think I will, Your Honor. I don't think this
11:40:52 6 is an issue.

11:40:52 7 THE COURT: Restate the question then.

11:40:55 8 Q. (By Mr. Pollinger) Professor Madisetti, do you state
11:40:57 9 here in your expert report that you considered the
11:40:59 10 deposition of the first named inventor on the '557 patent?

11:41:05 11 MR. SUMMERSGILL: Your Honor, I object.

11:41:07 12 THE COURT: What's the basis for the objection?

11:41:09 13 MR. SUMMERSGILL: He doesn't say that he considers
11:41:11 14 it. He says that it was simply produced by the Plaintiffs,
11:41:17 15 so it's outside the scope of the report.

11:41:21 16 MR. POLLINGER: Your Honor, it's listed in his
11:41:23 17 report.

11:41:23 18 THE COURT: I'll -- I'll overrule that.

11:41:25 19 And to the extent you want to cross him on whether
11:41:28 20 he didn't consider what was produced, you can do that on
11:41:32 21 recross.

11:41:32 22 Let's continue.

11:41:35 23 Q. (By Mr. Pollinger) Did you consider this deposition
11:41:37 24 transcript of the first named inventor on the '557 patent?

11:41:40 25 A. I did, sir.

11:41:40 1 Q. And do you cite here in your deposition -- excuse me,
11:41:45 2 do you cite here in your expert report specific pages from
11:41:49 3 that deposition transcript?

11:41:51 4 A. Yes.

11:41:53 5 MR. POLLINGER: If we could, Mr. Huynh, please go
11:41:55 6 to Paragraph 169 of Professor Madisetti's opening expert
11:41:59 7 report.

11:42:01 8 Q. (By Mr. Pollinger) And my question, Professor
11:42:10 9 Madisetti, is, did you consider the deposition transcript
11:42:13 10 of Dr. Dae Won Lee, the first named inventor on the other
11:42:18 11 two patents, in your opening expert report?

11:42:22 12 A. I did, sir.

11:42:23 13 Q. And did you consider specific pages from that
11:42:29 14 deposition transcript?

11:42:30 15 A. Yes.

11:42:36 16 THE COURT: Counsel, I need to take up a matter
11:42:37 17 with you briefly.

11:42:40 18 I'm sorry, ladies and gentlemen, part of -- part
11:42:45 19 of the ordinary trial process in days gone by, I would
11:42:50 20 simply call them up here to the bench where I could talk to
11:42:52 21 them quietly outside of your hearing. I can't do that in
11:42:57 22 today's circumstances, so I have to ask you to step out of
11:43:00 23 the courtroom for just a minute, and I'll bring you back as
11:43:02 24 quickly as I can.

11:43:03 25 Please leave your notebooks in your chairs, follow

11:43:07 1 all my instructions, and if the jury will retire briefly to
11:43:10 2 the jury room.

11:43:13 3 COURT SECURITY OFFICER: All rise.

11:43:16 4 (Jury out.)

11:43:35 5 THE COURT: Counsel, both sides are very much
11:43:40 6 aware that the Court has an order in limine prohibiting
11:43:45 7 discussions or the injection of other litigation into this
11:43:48 8 lawsuit.

11:43:48 9 And we just saw big bold references from
11:43:51 10 depositions taken in specific cases in specific courts, and
11:43:55 11 at least one of them was in this court with my initials on
11:43:59 12 it and case numbers. And I don't know how that's not a
11:44:01 13 violation of the MIL.

11:44:03 14 No -- neither one of you have raised it, but I
11:44:06 15 have a duty to police my own orders. And I don't
11:44:10 16 understand how that's not in violation of what I prohibited
11:44:14 17 as far as injecting other litigation into this lawsuit.

11:44:17 18 Can I have a response? I mean, you're the --

11:44:20 19 MR. POLLINGER: I guess --

11:44:21 20 THE COURT: -- you're the one -- you called for
11:44:22 21 these, Mr. Pollinger.

11:44:23 22 MR. POLLINGER: Well, first I apologize,
11:44:26 23 Your Honor. I think that's the primary -- I'm not sure
11:44:29 24 that's much of a response, but that -- that is my response.

11:44:32 25 And I believe Apple -- Mr. Summersgill, in his

11:44:39 1 examination of Professor Madisetti, brought up the fact
11:44:42 2 that there was a deposition in a prior lawsuit. I'm not
11:44:44 3 sure that's -- that's certainly not an excuse. The primary
11:44:49 4 response, again, is -- is an apology.

11:44:52 5 MR. SUMMERSGILL: Your Honor, may I respond to
11:44:54 6 that?

11:44:54 7 THE COURT: I'll hear from Defendant on this, as
11:44:55 8 well, Mr. Summersgill.

11:44:57 9 MR. SUMMERSGILL: Your Honor, I didn't -- I did
11:44:59 10 object to it. I didn't raise the other litigation point.
11:45:03 11 I didn't want to raise that in front of the jury. But we
11:45:06 12 do believe it is contrary to the motion in limine, and we
11:45:09 13 would ask that it be stricken.

11:45:12 14 THE COURT: Well, my intention is to bring the
11:45:15 15 jury back and instruct them that in the last two slides
11:45:20 16 shown to them, not only was there a deposition mentioned
11:45:25 17 but a specific other lawsuit, and they should disregard any
11:45:29 18 reference to any other lawsuit other than this lawsuit.

11:45:34 19 And I'm going to instruct both sides not to
11:45:38 20 violate my order in limine about injecting other litigation
11:45:41 21 into this lawsuit without expressly seeking and obtaining
11:45:46 22 leave from the Court in advance, all right?

11:45:49 23 MR. POLLINGER: Yes. Thank you, Your Honor.

11:45:53 24 MR. SUMMERSGILL: Thank you, Your Honor.

11:45:54 25 THE COURT: All right. Let's bring the jury back

11:45:55 1 in, Mr. Elliott.

11:45:58 2 (Jury in.)

11:45:58 3 THE COURT: Thank you, ladies and gentlemen.

11:46:15 4 As you walked out, I got a message from the clerk
11:46:18 5 that your lunch was here. I'm surprised you came back at
11:46:21 6 all.

11:46:21 7 Please be seated.

11:46:22 8 Ladies and gentlemen, just prior to me asking you
11:46:29 9 to step out, there were slides shown to you regarding two
11:46:33 10 depositions taken in other lawsuits. And there were
11:46:37 11 specific references on those slides to other lawsuits
11:46:41 12 involving other parties.

11:46:43 13 I'm instructing you to disregard anything you saw
11:46:46 14 on either of those slides about other lawsuits in other
11:46:49 15 places. This case is about this lawsuit, not about what
11:46:52 16 happened in other lawsuits. All right?

11:46:55 17 Let's proceed.

11:46:56 18 MR. POLLINGER: Thank you, Your Honor.

11:46:57 19 Q. (By Mr. Pollinger) Professor Madisetti, you were asked
11:47:05 20 by Mr. Summersgill a number of questions regarding the '557
11:47:08 21 patent and, in particular, with respect to source code.

11:47:10 22 First of all, the questions that Mr. Summersgill
11:47:16 23 asked you, did any of that change your opinions on the
11:47:18 24 patents?

11:47:19 25 A. No, it did not. I reviewed source code, as well as --

11:47:24 1 through Mr. Jones's report, as well as I did personally. I
11:47:27 2 went to Washington, D.C., to the law firm office and
11:47:32 3 reviewed all the code myself, as well. I also relied on
11:47:33 4 other documents, like product sheets and so on.

11:47:36 5 THE COURT: Pull the microphone a little closer --

11:47:39 6 THE WITNESS: I'm sorry.

11:47:40 7 THE COURT: -- Professor.

11:47:44 8 THE WITNESS: Yes. Sorry, Your Honor.

11:47:46 9 Q. (By Mr. Pollinger) Now, when I presented your
11:47:48 10 infringement opinion, we had to seal the court so that no
11:47:52 11 one qualified to -- no one that's not qualified to see --
11:47:55 12 see the source code had to step out, and then you showed us
11:47:59 13 the source code.

11:47:59 14 When Mr. Summersgill asked you questions, he
11:48:02 15 didn't ask that the court be sealed, did he?

11:48:05 16 A. No, he did not. He didn't show me any code.

11:48:09 17 Q. He didn't show you any source code, did he?

11:48:11 18 A. He did not.

11:48:12 19 Q. Did he give you any opportunity to explain the actual
11:48:15 20 source code that we went over?

11:48:17 21 A. No.

11:48:18 22 Q. The actual source code that we went over that you
11:48:21 23 showed us, does it show that the Apple products at issue
11:48:26 24 have every single part of the '557 claims?

11:48:31 25 A. Yes.

11:48:32 1 Q. Mr. Summersgill was trying to suggest that there's some
11:48:43 2 other source code out there that could be relevant, but he
11:48:46 3 never showed you anything else.

11:48:48 4 Is there any other source code that you needed to
11:48:50 5 look at to see whether the '557 patent is infringed by the
11:48:55 6 Apple products at issue.

11:48:57 7 MR. SUMMERSGILL: Your Honor, objection, leading.

11:48:59 8 THE COURT: Sustained.

11:49:01 9 This is redirect.

11:49:04 10 Q. (By Mr. Pollinger) Was there any other source code
11:49:05 11 that you needed to look at?

11:49:07 12 A. Not at all.

11:49:09 13 Q. There was a number of questions by Mr. Summersgill
11:49:17 14 regarding a sequence and a sequence index, and I believe he
11:49:26 15 was suggesting that there was non-infringement based upon
11:49:29 16 that, and -- but you wanted to explain.

11:49:32 17 A. Yes.

11:49:33 18 Q. He didn't give you an opportunity to explain?

11:49:35 19 A. No.

11:49:35 20 Q. Could you explain your opinion with regard to whether
11:49:41 21 it matters in the '557 patent if we're looking at an actual
11:49:48 22 sequence or a sequence index?

11:49:50 23 A. It does not. If you look at Figure 3 of the patent,
11:49:57 24 for example -- could I put up Figure 3 of the --

11:50:00 25 Q. Yes.

11:50:00 1 MR. POLLINGER: Could we get -- Mr. Huynh, could
11:50:03 2 we get Figure 3 of the '557 patent, please?

11:50:15 3 THE WITNESS: The next figure, please, Figure 4.
11:50:17 4 And if you can blow it up slightly.

11:50:20 5 A. So as you can see in this particular figure, you're
11:50:25 6 selecting a sequence by a signature number, and the
11:50:29 7 signature number is the sequence index in the code.

11:50:34 8 So selecting a sequence is the same as selecting a
11:50:38 9 sequence number. So just like if you call somebody Tom,
11:50:41 10 you're calling that person, whether you call them by the
11:50:43 11 name or by the person itself.

11:50:46 12 The sequence number and the index, they represent
11:50:51 13 calling -- selecting a sequence is the same as selecting a
11:50:54 14 sequence number or an index.

11:50:57 15 Q. (By Mr. Pollinger) Professor Madisetti, if you're
11:50:59 16 teaching -- you're lecturing, you're teaching a class of
11:51:04 17 students and you want a particular student to answer a
11:51:10 18 particular question, can you select that student by name?

11:51:13 19 A. Yes, or by their class roll number.

11:51:16 20 Q. Do you have to walk down to where the student's sitting
11:51:21 21 and grab them to select them?

11:51:23 22 A. No.

11:51:23 23 Q. Mr. Summersgill also asked you a number of questions
11:51:33 24 regarding increases and decrease -- decreases, and I
11:51:42 25 believe he was suggesting that in the Apple products this

11:51:45 1 happens one way and in the claims it's required another
11:51:48 2 way. But you wanted to explain your -- your -- your
11:51:51 3 analysis of that; is that correct?

11:51:54 4 MR. SUMMERSGILL: Your Honor, I object. Leading
11:51:56 5 again.

11:51:57 6 THE COURT: Sustained.

11:51:59 7 Restate your question, counsel.

11:52:03 8 Q. (By Mr. Pollinger) Professor Madisetti, in the claims
11:52:04 9 of the '557 patent, is there a difference with regard to
11:52:11 10 the cyclic shift on increasing or decreasing?

11:52:14 11 A. The claims say increasing, but I believe Apple raised a
11:52:18 12 number of arguments about non-infringing alternatives, and
11:52:22 13 the alternatives were not precise or clear.

11:52:28 14 So I offered an opinion saying that, to the extent
11:52:31 15 I understood what Apple was trying to say, I said because
11:52:35 16 everything is in a cycle; if you increase one way, it
11:52:40 17 decreases the other way.

11:52:41 18 So in that sense, because it's a cyclic shift,
11:52:43 19 means in a circle. If you move this way, you're closer
11:52:46 20 this way; and if you move this way, you're increasing in
11:52:46 21 one way and decreasing in another.

11:52:47 22 So I said, according to Apple's non-infringement
11:52:50 23 argument, it's possibly infringing, as well. So this was
11:52:56 24 more in the context of non-infringing alternatives. But
11:53:00 25 Apple's products satisfy the increasing strictly.

11:53:06 1 Q. Now, with regard to the '332 patent -- if we could have
11:53:13 2 Slide 51 from your direct examination -- there were some
11:53:17 3 questions from Mr. Summersgill about what the lead inventor
11:53:21 4 said to the standards setting body, and he seemed to be
11:53:33 5 suggesting that the inventor was indicating that there
11:53:35 6 really wasn't an invention here. And do you agree with the
11:53:41 7 suggestion that there is no -- that Dr. Lee believed there
11:53:45 8 was no invention here?

11:53:49 9 MR. SUMMERSGILL: Objection, leading.

11:53:52 10 THE COURT: Sustained.

11:53:53 11 Q. (By Mr. Pollinger) Professor Madisetti, on Slide 51
11:53:55 12 here, which is from PX-1760 that you showed us, what did
11:54:00 13 Dr. Lee say about his invention?

11:54:03 14 A. Counsel, I think the counsel from Apple was pointing to
11:54:10 15 an email message with respect to asking the question, if I
11:54:22 16 was not mistaken.

11:54:23 17 Q. I believe so. And -- and we can show that, as well.

11:54:26 18 A. Yes.

11:54:26 19 Q. What I wanted to ask you about was what -- what did
11:54:31 20 Dr. Lee write here?

11:54:33 21 A. Yes. He was talking about a critical problem that was
11:54:36 22 being solved in Exhibit 1760, and the critical problem was
11:54:42 23 that 64,000 mobile phones had to share 100 mailboxes before
11:54:44 24 the invention.

11:54:45 25 So I said here that he was pretty modest because

11:54:47 1 his invention that was a development of the standard solved
11:54:51 2 this critical problem, and I said the word "minor" or
11:54:53 3 "nothing new" is more of an indicator of how modest he was.

11:54:59 4 Q. And did you read the email that Mr. Summersgill has
11:55:04 5 shown you?

11:55:06 6 A. I did.

11:55:07 7 Q. And the "nothing new" statement that he showed you,
11:55:13 8 what is your assessment of that?

11:55:16 9 A. It means that -- and he's only referring to a portion
11:55:20 10 of his claim, not the entire invention, and even that was a
11:55:25 11 dramatic change, in my opinion. But, in my opinion it's
11:55:28 12 more a reflection of his modesty, as opposed to anything
11:55:32 13 else.

11:55:33 14 Q. Further on the '332 patent, Mr. Summersgill asked you a
11:55:47 15 number of questions regarding shifts and divides.

11:55:52 16 Is whether we're talking a shift or divide
11:55:56 17 relevant to whether there is infringement of the '332
11:56:01 18 patent?

11:56:01 19 A. No. A shift is a divide. And most code uses divide
11:56:07 20 and shift in the same way. So when you take a number and
11:56:13 21 shift it right, it divides it. When you shift the number
11:56:16 22 left, it multiplies it. That's a standard way. I've
11:56:20 23 written books on this topic, and that's a very common way
11:56:23 24 of doing arithmetic.

11:56:26 25 Q. On the same topic, Mr. Summersgill asked you about

11:56:29 1 walking, flying, or driving from Atlanta.

11:56:33 2 Does the claims -- the claim here in the '332

11:56:37 3 patent, does it talk about walking, flying, or driving?

11:56:40 4 A. No, it does not. And, in fact, I drove from Atlanta,

11:56:46 5 so I was surprised.

11:56:49 6 Q. Lastly, turning to the '833 patent, there is a lot of

11:56:55 7 talk about rows and a lot of talk about columns and

11:57:01 8 row-by-row and column-by-column. And I believe you wanted

11:57:06 9 to explain yourself.

11:57:09 10 So my question is -- well, first, my first

11:57:12 11 question is, did Mr. Summersgill's questions in any way

11:57:18 12 undermine your opinion on infringement?

11:57:20 13 A. No, it did not.

11:57:23 14 Q. And can you explain to us -- well, let me ask you this.

11:57:33 15 Is it important when you're talking about whether

11:57:36 16 it's row-by-row or column-by-column to know very precisely

11:57:40 17 what you're talking about?

11:57:41 18 A. Yes, it is. As I was saying for the 2D matrix, if you

11:57:47 19 look at it for the whole matrix, the mapping is row-by-row,

11:57:52 20 but if you look within a single row, which is the first

11:57:56 21 row, you start from the left and then you go

11:57:57 22 column-by-column across. That's what I was saying. So in

11:58:00 23 my deposition, that was pointed out.

11:58:04 24 The question was, what happens in the first row,

11:58:09 25 first element and the second element? So if you could put

11:58:14 1 up that deposition testimony on Page 393.

11:58:20 2 MR. POLLINGER: Yes, Mr. Huynh. Page 393, Lines 8
11:58:27 3 through 19.

11:59:02 4 Your Honor, may I put this up on the easel?

11:59:05 5 THE COURT: Turn it around and show me what it is.

11:59:08 6 MR. POLLINGER: It's the Defendant's
11:59:09 7 demonstrative.

11:59:09 8 THE COURT: All right.

11:59:09 9 MR. POLLINGER: Thank you, Your Honor.

11:59:15 10 Q. (By Mr. Pollinger) So, Professor Madisetti, what is
11:59:19 11 the specific question? What is specifically being talked
11:59:22 12 about here?

11:59:23 13 A. Yes. The question that was asked by the counsel, she
11:59:27 14 asked me: Which resource element on Line 11 is mapped
11:59:32 15 first and which resource element is mapped second -- so --

11:59:40 16 Q. Professor, can I stop you there? Can I --

11:59:44 17 MR. POLLINGER: If Your Honor allows me, can I
11:59:46 18 draw on the easel, with the assistance of Professor
11:59:54 19 Madisetti, at the direction of Professor Madisetti?

11:59:58 20 THE COURT: Ordinarily, I let either side use a
12:00:01 21 demonstrative that the other side puts up, but ordinarily
12:00:07 22 it's a picture on a screen, and it's not altered when the
12:00:09 23 other lawyer uses it.

12:00:11 24 Does the Defendant object to Plaintiffs' counsel
12:00:14 25 drawing on its hard copy demonstrative so that it will be

12:00:18 1 altered?

12:00:19 2 MR. SUMMERSGILL: We do, Your Honor. We have no
12:00:21 3 objection to Mr. Pollinger using the demonstrative, but we
12:00:25 4 do object to him changing the demonstrative.

12:00:27 5 THE COURT: Mr. Pollinger, you can certainly
12:00:29 6 indicate without marking on the demonstrative the direction
12:00:34 7 you get from Dr. Madisetti, but I don't want you to
12:00:39 8 physically alter it, given that it's not a picture on the
12:00:41 9 screen; it's a hard copy demonstrative.

12:00:45 10 MR. POLLINGER: Sure, Your Honor.

12:00:45 11 THE COURT: So if you'll use it in that way,
12:00:48 12 please.

12:00:48 13 MR. POLLINGER: I think I can use it in that way.
12:00:48 14 I wanted to put a little dot in a particular place, but if
12:00:53 15 that's not --

12:00:53 16 THE COURT: You can use a Post-it note that you
12:01:00 17 can take off.

12:01:00 18 MR. POLLINGER: That's a great suggestion. Thank
12:01:00 19 you, Your Honor.

12:01:00 20 THE COURT: Okay. Let's proceed.

12:01:02 21 Q. (By Mr. Pollinger) Professor Madisetti, if we look at
12:01:04 22 this precise question where it says: Which resource
12:01:08 23 element is mapped first?

12:01:10 24 A. Yes.

12:01:10 25 Q. Can I indicate that on this chart here?

12:01:13 1 A. Yes, please select the square on the top left.

12:01:18 2 Q. Is that correct?

12:01:19 3 A. Yes, that's the one.

12:01:21 4 And then the question says: Which resource
12:01:24 5 element is mapped second?

12:01:27 6 Could you put the Post-it note on the block to the
12:01:30 7 right of the blue that you just did?

12:01:34 8 Yes. So what I was explaining is that within that
12:01:37 9 row, you're moving column-by-column because the first
12:01:42 10 column is 0, the second column is 1, all the way to Column
12:01:47 11 No. 11.

12:01:48 12 Q. Where is the first column?

12:01:49 13 A. The first column is -- is that same. The first column
12:01:55 14 is right there, that's the first column.

12:01:56 15 Q. And where is the second column?

12:01:58 16 A. Just beside that. That's right.

12:02:01 17 And so for the first row, you go from the top
12:02:04 18 left, the first resource element is the first blue Post-it
12:02:08 19 note, and the second one is the -- on the right that shifts
12:02:11 20 by one column to the right. That's exactly what I said.

12:02:14 21 And that's exactly how the claim also describes it.

12:02:18 22 Q. Let me see if I understand this. If we're looking at a
12:02:23 23 particular row, here's the first row?

12:02:24 24 A. Yes.

12:02:25 25 Q. The mapping goes column-by-column?

12:02:29 1 A. On that row.

12:02:30 2 MR. SUMMERSGILL: Your Honor?

12:02:31 3 Q. (By Mr. Pollinger) First column?

12:02:33 4 THE COURT: Just a minute.

12:02:34 5 MR. SUMMERSGILL: Objection, leading.

12:02:35 6 THE COURT: You'll have to do this in a

12:02:37 7 non-leading fashion.

12:02:38 8 Restate your question.

12:02:40 9 Q. (By Mr. Pollinger) Professor Madisetti, could you

12:02:41 10 guide me with the Post-its as to what I should do with

12:02:50 11 respect to the first row?

12:02:51 12 A. Yes. With respect to the first row, the source code

12:02:56 13 for the Apple/Qualcomm and Apple/Intel products put Post-it

12:02:56 14 notes along in that first row towards the right. So you

12:03:05 15 can put a third Post-it note there, and the next Post-it

12:03:09 16 note on there, and then all the way to the end, and end on

12:03:12 17 the first row. End of the first row.

12:03:15 18 And then you go to the beginning of the second

12:03:19 19 row, then you again go column-by-column across that row.

12:03:23 20 And that's what the code does, and that's what I was

12:03:26 21 explaining, because the counsel had asked me which element

12:03:30 22 was mapped first, which second, and all that. And I said

12:03:33 23 it starts the top left, and then goes to the right

12:03:37 24 column-by-column.

12:03:37 25 So overall, the map -- the matrix -- 2D matrix is

12:03:44 1 mapped row-by-row, but within each row, it is
12:03:48 2 column-by-column. And so there shouldn't be any confusion
12:03:52 3 that the code does exactly like the claim should say, and
12:03:55 4 indeed the code does exactly like what the standard -- the
12:03:58 5 LTE standard also says.

12:03:59 6 Q. Is this what you explained in your deposition?

12:04:03 7 A. Yes.

12:04:03 8 Q. Could you read that to us?

12:04:05 9 A. Yes. I said -- so the counsel asked me: Which
12:04:10 10 resource element is mapped first and which resource element
12:04:13 11 is mapped second sequentially?

12:04:17 12 I said: They're mapped column-by-column in a
12:04:20 13 temporally segmented manner, which means that they're
12:04:23 14 ordered in time. Each column represents a unit of time,
12:04:28 15 and starting at the top left.

12:04:29 16 So that's exactly what I described here, and
12:04:33 17 that's exactly what I showing the Court, as well.

12:04:36 18 Q. You showed us an animation as part of your direct --

12:04:40 19 A. Yes.

12:04:40 20 Q. -- your direct examination?

12:04:42 21 A. Yes.

12:04:42 22 Q. Is your animation consistent with this?

12:04:45 23 A. Yes.

12:04:45 24 Q. Is this what the claims require?

12:04:48 25 A. Yes.

12:04:48 1 Q. Does this in any way establish non-infringement?

12:04:53 2 A. No, it does not. It actually proves what I'm saying,
12:04:56 3 which is interesting.

12:04:57 4 Q. Is there any question in your mind here that these
12:04:59 5 three patents are infringed by Apple?

12:05:01 6 A. Not at all.

12:05:03 7 MR. POLLINGER: No further questions, Your Honor.

12:05:04 8 THE COURT: You pass the witness? Mr. Pollinger,
12:05:06 9 you pass the witness?

12:05:08 10 MR. POLLINGER: Yes, Your Honor, I pass the
12:05:10 11 witness. Thank you.

12:05:11 12 THE COURT: Thank you.

12:05:13 13 Mr. Summersgill, additional cross-examination?

12:05:17 14 MR. SUMMERSGILL: Nothing further, Your Honor.

12:05:19 15 THE COURT: Okay. Then you may step down --

12:05:23 16 THE WITNESS: Thank you, Your Honor.

12:05:24 17 THE COURT: -- Professor Madisetti.

12:05:25 18 And let's pull this demonstrative down, please.

12:05:28 19 And this is a good time to break for lunch. Five
12:05:32 20 minutes after 12:00.

12:05:34 21 Ladies and gentlemen, please take your notebooks
12:05:38 22 with you to the jury room for lunch. It should be waiting
12:05:41 23 for you there. Please follow all my instructions,
12:05:44 24 including not to discuss the case among yourselves. And
12:05:47 25 we'll try to reconvene in approximately an hour.

12:05:50 1 With that, the jury is excused for lunch.

12:05:53 2 COURT SECURITY OFFICER: All rise.

12:05:56 3 (Jury out.)

12:05:56 4 THE COURT: Counsel, we're going to break at this
12:06:10 5 point. I'd like you to take about 30 minutes, and then I'd
12:06:13 6 like you to make yourselves available to me at chambers to
12:06:16 7 see if there's any other dispute -- any disputes we need to
12:06:21 8 cover so that we can keep the evidence flowing. All right?

12:06:25 9 With that, we stand in recess.

12:06:27 10 MR. SHEASBY: Thank you, Your Honor.

12:06:28 11 MR. POLLINGER: Thank you.

12:06:29 12 (Recess.)

13 CERTIFICATION

14

15 I HEREBY CERTIFY that the foregoing is a true and
16 correct transcript from the stenographic notes of the
17 proceedings in the above-entitled matter to the best of my
18 ability.

19

20

21 /S/ Shelly Holmes
22 SHELLY HOLMES, CSR, TCRR
23 OFFICIAL REPORTER
State of Texas No.: 7804
Expiration Date: 12/31/20

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Date

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